

CONFIDENTIAL.

(5708.)

PART XVIII.

F.O.
403

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF NORTH AFRICA.

[Papers relating specially to Cape Juby, from May to September, 1888, are printed in the Appendix, pp. 83-111.]

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July to September 1888.

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CONFIDENTIAL.

Further Correspondence respecting the Affairs of North Africa.

PART XVIII.

No. 1.

*The Marquis of Salisbury to Consul-General Drummond Hay.**

(Telegraphic.)

Foreign Office, July 2, 1888, 5.10 P.M.

INFORMATION received from Susa that French troops had arrived on their way to Gabes; that provisions and carts for transporting baggage and munitions were being purchased; also that preparations were made either for military operations in Tripoli or for fortifying the frontier.

Report what you can ascertain respecting above statement.

No. 2.

Consul Sandwith to the Marquis of Salisbury.—(Received July 3, 2.50 P.M.)

(Telegraphic.)

Tunis, July 3, 1888, 12.53 P.M.

REFERENCE to telegram of yesterday.

Inquiries are being made confidentially whether provisions for 13,000 troops can be obtained here: 800 troops went to Gabes ten days ago.

No. 3.

The Marquis of Salisbury to Sir W. K. Green.

(No. 68. Confidential.)

Sir,

Foreign Office, July 3, 1888.

WITH reference to your despatch No. 70 of the 28th May, I transmit to you herewith a copy of a note from the Italian Chargé d'Affaires at this Court,† inclosing copy of a Report which the Italian Minister at Tangier has addressed to Signor Crispi in regard to the recent rising in Morocco, and informing me that the Italian Government are prepared to concert measures with that of Her Majesty should the spread of the insurrection render it necessary to take steps in the interest of both countries; and I have to request that you will furnish me with any observations which you may have to offer upon the subject.

I am, &c.
(Signed) SALISBURY.

* Also to Consul Sandwith.

† See Part XVII, No. 114.

No. 4.

Consul Sandwith to the Marquis of Salisbury.—(Received July 4, 11 A.M.)

(Telegraphic.)

Tunis, July 4, 1888, 9-10 A.M.

I HAD intended to leave my post on the 9th instant.

In view of possible important events, shall I remain until further orders?

No. 5.

Consul-General Drummond Hay to the Marquis of Salisbury.—(Received July 4, 11 A.M.)

(Telegraphic.)

Tripoli, July 4, 1888, 10-30 A.M.

NOTHING is known here of any movement of troops in Tunis. I will report should anything of importance transpire.

No. 6.

The Marquis of Salisbury to M. Catalani.

(Confidential.)

M. le Chargé d'Affaires,

Foreign Office, July 4, 1888.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd ultimo, inclosing a copy of a Report from the Italian Minister at Tangier to the Italian Minister for Foreign Affairs, relating to the rising in Morocco against the authority of the Sultan, and informing me of Signor Crispi's readiness to concert measures with Her Majesty's Government if the spread of the insurrection should render it necessary.

In thanking you for this communication, I beg you to inform Signor Crispi that, in the event of the contingency referred to taking place, I shall be happy to exchange views with his Excellency, and take such measures in concert as may seem advisable to the two Governments.

I have, &c.

(Signed) SALISBURY.

No. 7.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 137.)

Sir,

Foreign Office, July 5, 1888.

THE Italian Chargé d'Affaires at this Court called at the Foreign Office on the 30th ultimo to communicate a telegram from his Government to the effect that they had received information from Susa that French troops had arrived there on their way to Gabes; that provisions and carts for transporting baggage and munitions were being purchased, and that it was rumoured that preparations were made either for military operations in Tripoli or for fortifying the frontier.

M. Catalani inquired whether Her Majesty's Government had received information of a similar kind.

I have instructed Her Majesty's Consul-General at Tripoli and Her Majesty's Consul at Tunis to report what they can ascertain in confirmation of this statement.

I am, &c.

(Signed) SALISBURY.

No. 8.

The Marquis of Salisbury to M. Catalani.

M. le Chargé d'Affaires,

Foreign Office, July 5, 1888.

WITH reference to your verbal inquiry on the 30th ultimo, I have the honour to acquaint you that Her Majesty's Consul at Tunis has reported that inquiries are

being made confidentially whether provisions can be procured at that place for 13,000 men. The Consul adds that 800 troops went ten days ago to Gabes.

I have, &c.

(Signed) SALISBURY.

No. 9.

The Marquis of Salisbury to Consul Sandwith.

(Telegraphic.)

Foreign Office, July 6, 1888, 4-30 P.M.

YOUR telegram of 3rd instant.

Have you any more information with respect to provisions for 13,000 French troops?

No. 10.

Consul Sandwith to the Marquis of Salisbury.—(Received July 7, 4-40 P.M.)

(Telegraphic.)

Tunis, July 7, 1888, 2-35 P.M.

YOUR telegram of the 6th.

No more information received.

The 800 troops sent to Gabes were to be sent to interior, hence transport necessary.

No. 11.

Consul Sandwith to the Marquis of Salisbury.—(Received July 9.)

(No. 9. Confidential.)

My Lord,

Tunis, July 4, 1888.

WITH reference to your Lordship's cyphered telegram of yesterday, no rumour had reached me of any preparations for the movements of troops as indicated in that telegram. I immediately interrogated Mr. Pro-Consul Carbonaro on the subject, who informed me that two days previously a leading Maltese merchant here had dropped some hints to him about something important that was preparing, but that he had suddenly become uncommunicative. I sent for this gentleman, and by degrees extracted from him the following information. He said that a few days ago the Principal Commissariat Officer had sent for him and used language to this effect: "We know," he said, "that the Maltese are attached to the French; were you an Italian, I would not trust you. You must not, therefore, whisper a word of what I am about to say. I want to know if you can supply bread, barley, and meat on short notice for 13,000 men." My informant assured him that he could do so. He understood that these provisions would be required in Tunis and its neighbourhood, as the Commissariat Officer was careful to inquire if he could dispose of as many ovens in Tunis as would be required.

I have related to your Lordship the exact circumstances under which the above information was elicited, in order that you may be in a position to judge of its value. I embodied it in my telegram of yesterday.

The public here seems quite unaware of any preparations for military movements, nor has any intelligence about the distribution of provisions or carts reached me from the Vice-Consuls at Susa, Sfax, or Gabes.

Eight hundred men of a regiment called "Bataillon d'Afrique," in whose ranks are enrolled, I am informed, some Spaniards and Italians, were sent round from Oran to Gabes about ten days ago: 250 troops from the latter place had been shipped for France a fortnight previously.

In view of the circumstances reported above, I had the honour this morning to ask your Lordship, by telegraph, whether I should remain here for the present.

I beg to subjoin a Return of the troops now stationed in the Regency.

I have, &c.

(Signed) THOMAS B. SANDWITH.

4
Inclosure in No. 11.

RETURN of French Troops in the Regency of Tunis.

	Men.
Tunis and neighbourhood (1,200 horses for cavalry, artillery, and Transport Corps.)	2,400
Souk-el-Arba (150 horses of Transport Corps.)	
Ain Drahm and Tabarea (infantry)	600
Kef and Souk-el-Djemila (cavalry)	400
Zaghouan (infantry)	250
Bizerta (infantry)	100
Goletta (infantry and artillery)	350
Susa (1,200 infantry, 150 cavalry, and 100 horses of Transport Corps.)	1,350
Kairwan (500 infantry, and 100 horses for cavalry and Transport Corps.)	550
Jebel Aïwan (infantry)	125
Sfax (850 infantry and 400 cavalry, 400 horses for cavalry and transport)	950
Gabes (1,600 infantry, cavalry, and artillery, and 1,000 horses)	1,900
Total ..	8,775

No. 12.

The Marquis of Salisbury to Consul Sandwith.

(Telegraphic.)

Foreign Office, July 9, 1888. 2.30 P.M.

YOUR telegrams of 4th and 7th instant.

Need not postpone leave.

Presume Acting Consul will have cypher.

No. 13.

The Marquis of Salisbury to Sir W. K. Green.

(No. 69.)

Sir,

Foreign Office, July 9, 1888.

I HAVE received your despatch No. 69A of the 25th May, reporting the case of the theft of certain horses belonging to Ci Hamed Boushensha, the Senior Scribe of Her Majesty's Legation, in illustration of the difficulties which beset the administration of justice in Morocco in consequence of the abuse of the system of protection.

In conveying to you my approval of your proceedings in the matter, as reported in your despatch, I have to observe that on the facts as stated the action of the French Minister at Tangier appears most extraordinary. In view, however, of the present unsettled state of affairs in Morocco, I consider that any further action in the matter would not lead to any useful result. But it would be a fit case for the Moorish Delegate to bring before the Morocco Conference should it ever be assembled, as an illustration of the abuses to which the present system gives rise.

I am, &c.

(Signed) SALISBURY

No. 14.

Sir W. K. Green to the Marquis of Salisbury.—(Received July 10.)

(No. 85. Confidential.)

My Lord,

Tangier, June 30, 1888.

SEÑOR DIOSDADO having yesterday returned from his visit to Spain, which I had the honour to report to your Lordship in my despatch No. 71 of the 30th ultimo, I this morning called on him, when, with reference to the Conference, he stated to me that he believed it was doubtful whether it would be held at all.

My Spanish colleague added that he had been to Madrid, where he had learnt that the chief opposition to the meeting of the Conference had arisen from the side of Her Majesty's Government, though he had not been able to understand the exact grounds of the opposition, seeing that he had communicated to Hadj Mohammed Torres the terms of Señor Moret's notes.

On my explaining to Señor Diosdado the requirements of Her Majesty's Govern-

ment, and, further, that Hadj Mohammed Torres had expressed to me his ignorance of Señor Moret's notes, he admitted that he had only communicated such a précis of the notes as he thought his Excellency was capable of understanding, and that as for the inclusion of judicial reforms in the suspensory clause of the Protocol, he was only now aware that your Lordship considered that these were necessary as well as commercial reforms.

I did not deem it now needful to refresh Señor Diosdado's memory on this point, though Hadj Mohammed Torres' instructions implied, by authorizing him to promise the ultimate removal of injustice from the administration of the country, that judicial reforms were expected from the Maroccan Government.

Señor Diosdado also said to me that he considered Señor Moret had acted precipitately in wishing to bring about the meeting of the Conference, without first being thoroughly understood with all the Powers on the exact work to be effected. But from further explanations, I saw that Señor Diosdado is of opinion that before the Conference is again convoked the Spanish Government should obtain the elimination from its consideration of all questions except that of the complete abolition of the privileges of foreign protection of natives. My Spanish colleague said he had absolutely no faith in attempting to induce the Moorish Government to improve itself. He was sure the attempt would bring it down by the run, and that a Conference which entered upon the consideration of the reforms which should be carried out in Morocco would never arrive at a practical conclusion.

I nevertheless venture to express to your Lordship a contrary opinion, and a hope that an understanding between the Powers which have material interests in Morocco as to the manner in which the Sultan should be induced into improving gradually the administrative, judicial, and commercial systems of the Empire, will not be beyond attainment.

I have, &c.

(Signed) W. KIRBY GREEN.

No. 15.

Sir W. K. Green to the Marquis of Salisbury.—(Received July 10.)

(No. 88. Confidential.)

My Lord

Tangier, July 2, 1888.

I HAVE the honour to report to your Lordship that in a letter I have received from Kaïd Maclean he states to me that Cid Emfadel Gharneet had sent for him, and directed him to write and tell me that the Sultan looks to the British Government as well as to those of Italy and Spain to help him in the proposed Madrid Conference.

Cid Emfadel also desired Kaïd Maclean to tell me "that the Sultan wants a promise from all the Powers that his country will be always left to him, and that you (Her Majesty's Government) will take care no one takes any part away from him. The Sultan wants to know what England wants from him, and desires that you (Sir William Kirby Green) should be asked if you (Great Britain), with Italy and Spain, will try to get him the above promise. As soon as the Sultan is told what England wants he will answer."

Kaïd Maclean states that the above is, more or less, what he understood Cid Emfadel Gharneet to say. He had asked his Excellency to put his message in writing, but he had failed to obtain a note from the Minister on the matter under the excuse of pressure of work.

I have no doubt that Cid Emfadel Gharneet has in this indirect manner attempted to get an opinion from me on the conversations which I have reason to believe recently passed between Signor Gentile, the Interpreter of the Italian Legation, and his Excellency. But as I also have on more than one occasion fully explained to the Sultan and to Cid Emfadel Gharneet the course which Her Majesty's Government consider Mulai Hassan should follow, both as to the integrity of his territory and as to the issues which should be sought at a Conference on Moorish affairs, I have not thought it would be proper to avail myself of the present irregular manner of addressing me to furnish the Sherrefian Government with a repetition of what is well known to be the scope of British policy in Morocco.

I have therefore asked Kaïd Maclean to inform Cid Emfadel Gharneet that the questions his Excellency submitted to me were of far too serious a nature to be treated informally through an unofficial intermediary, and that if his Excellency could

find no time to address me personally I thought the questions could stand over until, on the Sultan's arrival here, I could discuss them directly with His Sherceefian Majesty.

I am not altogether sure that Cid Emfadel Gharneet may not be attempting to cover, under my action, discussions that he may have held with Signor Gentile without the Sultan's knowledge.

I trust that your Lordship will not disapprove of my having thus discouraged the Moorish Minister from having recourse with me to sharp Eastern practices for enabling himself, in case of need, to repudiate having solicited advice, or even discussed with me important State matters, and that your Lordship will sanction my speaking clearly to the Sultan, when he comes to Tangier, on the attitude taken by Her Majesty's Government with regard to the proposed Madrid Conference, and also in the sense of the joint note addressed by myself and my Italian and Spanish colleagues to the Marroquine Government on the 12th March, 1887 (see despatch to your Lordship No. 87 of the 12th March, 1887).

I have, &c.
(Signed) W. KIRBY GREEN.

No. 16.

Consul Sandwith to the Marquis of Salisbury.—(Received July 10, 11 A.M.)

(Telegraphic.)

Tunis, July 10, 1888, 7:30 A.M.

THE movements of troops and contracting of provisions are evidently connected with depredations of Arabs in various directions urged by famine.

Your telegram of yesterday.

I leave Tunis to-day. Acting Consul will telegraph by Army and Navy Signal Book.

No. 17.

Sir W. Kirby Green to the Marquis of Salisbury.—(Received July 12.)

(No. 89.)

My Lord,

Tangier, July 5, 1888.

BY a special courier sent to me from the Sultan's camp in the Beni 'Mgilid Mountains, I learn that on the 25th ultimo the rearguard of the Sherceefian troops was attacked by more than twice its number of mountaineers, who, after three hours' fighting, were repulsed with heavy loss. They were pursued in the woods for about 3 miles, but as the soldiers had been supplied with only twenty rounds of ammunition per man, it was not prudent to continue the pursuit further. The loss of the Sultan's troops was seventeen killed and forty-two wounded.

Kaid Maclean adds:—

"Our men took a lot of heads. . . . The Beni 'Mgilid fought awfully well. Their women were behind them, and took away their killed and wounded, and would not let the men turn for a long time. Most of the fighting took place in a wood. The mountaineers tried to cut us off from the main body."

I have, &c.
(Signed) W. KIRBY GREEN.

No. 18.

Sir W. K. Green to the Marquis of Salisbury.—(Received July 12.)

(No. 90.)

My Lord,

Tangier, July 5, 1888.

I HAVE the honour to report to your Lordship that, having this day received an urgent request from the Sultan, through Kaid Maclean, that I should obtain for His Sherceefian Majesty the loan from the Governor of Gibraltar of 100,000 rounds of Martini-Henry rifle ball cartridges, I to-day both wrote and telegraphed to his Excellency Sir Arthur Hardinge Mulai Hassan's request, adding that I trusted his Excellency would see his way to according the favour.

The facility asked for is not one calculated to implicate Her Majesty's Government in any warlike proceedings of the Sultan against an independent nation, nor, if refused, would it prevent Mulai Hassan from continuing his attempt to bring certain unruly tribes in the centre of his Empire under the more immediate control of his Government, whereby a benefit would accrue to the whole country. In fact, it is of general public interest that the Sultan should consolidate his authority in his dominions, and I consider it is most desirable that he should continue under the impression that the old tie of friendship between Great Britain and Morocco, and mutual readiness to render assistance in moments of danger or need, still exist.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 19.

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received July 13, 2 P.M.)

(Telegraphic.)

Tunis, July 13, 1888.

CONTRACTORS received orders from military authorities to have ready total quantity of victuals contracted for.

No. 20.

The Marquis of Salisbury to Sir W. K. Green.

(No. 71.)

Sir,

Foreign Office, July 13, 1888.

I HAVE received your despatch No. 88, Confidential, of the 2nd instant, in regard to the message sent to you by Cid Emfadel Gharneet through Kaid Maclean; and in conveying to you my approval of your reply, I have to state, with reference to your proposal to discuss with the Sultan of Morocco, when he comes to Tangier, the issues raised by Cid Emfadel Gharneet, that you will receive further instructions when the date of His Sherceefian Majesty's visit to Tangier is fixed.

I am, &c.
(Signed) SALISBURY.

No. 21.

Consul Sandwith to the Marquis of Salisbury.—(Received July 14.)

(No. 10.)

My Lord,

Tunis, July 10, 1888.

BY my telegram of the 7th instant, in reply to your Lordship's of the 6th, I had the honour to state that no further information had reached me respecting the furnishing of provisions for troops.

Various circumstances make it apparent that troubles are about to arise among the Arabs in the southern half of the Regency, who are sorely pinched by hunger. It is said that 600 troops are being transported from Constantine to Tebeas, on the Algerian frontier, to repress the pillaging propensities of the Arabs in that direction. Caravans can no longer travel with safety, one having been plundered between Gabes and Gafsa, and another between Susa and Kairwan, attended, it is said, with loss of life; while the Werghemma Arabs on the Tripoli frontier are reported to be bent on mischief. Such incidents are the natural outcome of the misery resulting from the total failure of the crops in the greater part of the Regency, which I had the honour to report in my despatch written towards the end of April. As time passes this misery must grow in intensity, and it is foreseen that an augmentation of troops will be necessary if life and property are to be rendered secure. There being only 8,000 troops in the country, an additional 5,000 would not appear to be excessive for military requirements, thus making a total of 13,000, the number mentioned by my Maltese informant for which provisions would be required.

As I had the honour to inform your Lordship by my telegram of this morning, in

reply to yours of yesterday, I leave Tunis to-day, the Acting Consul using the Army and Navy Signal Book for telegraphic purposes.

I have, &c.
(Signed) THOMAS B. SANDWITH.

No. 22.

Messrs. Shuttleworth, Cox, and Co., to the Marquis of Salisbury.—(Received July 17.)

My Lord,

Botolph House, Eastcheap, London, July 13, 1888.

WE beg to acknowledge the receipt of your favour of the 14th ultimo, and having noted the contents, beg leave to put before your Lordship the following facts.

It was at the express wish of Her Britannic Majesty's Consul at Tangier (Mr. Herbert White) that we referred our claim against Pariente to arbitration. The Arbitrators' award never disposed of our claim against Pariente, it stated that Pariente should furnish us, within three months, with full accounts of all his transactions, as to the disposal of the goods and moneys received by him; this he has never done. The Arbitrators were led to give this decision because Pariente stated on oath before them that, although the business was carried on in his name, he had no interest in it, and was only acting as an agent for people in Fes.

In spite of this assertion, however, we have since found the partnership deed, signed by Pariente himself, and have it in our possession.

The award has never been complied with by Pariente, and therefore is clearly null and void.

Under the circumstances of the case we think that justice demands that the Moorish authorities should be made to proceed in the matter, and compel their subject to pay the money or abide by the consequences of the Moorish law, and we should feel grateful if your Lordship would again refer the matter to Tangier, and have pressure brought to bear on the Moorish authorities in order that justice may be done.

We are, &c.
(Signed) SHUTTLEWORTH, COX AND Co.

No. 23.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 145.)

Sir,

Foreign Office, July 17, 1888.

THE Italian Chargé d'Affaires called upon me to-day and made a proposal in reference to the affairs of Morocco.

We had previously discussed the expediency of joining with Spain in a Declaration of our intention of respecting the integrity of Morocco, in order to give the other Powers an opportunity of either acceding to or repudiating the expression of this policy. On reflection, however, Signor Crispi was of opinion that it was better to begin by an interchange of notes between Her Majesty's Government and that of Italy with a view later on of inviting the participation of Spain.

I expressed myself as perfectly willing to adopt this mode of procedure, which certainly could do no harm, and might lead to good results.

I am, &c.
(Signed) SALISBURY.

No. 24.

Foreign Office to War Office.

Sir,

Foreign Office, July 17, 1888.

I AM directed by the Marquis of Salisbury to transmit to you the accompanying copy of a despatch from Her Majesty's Minister at Tangier in regard to a request made to him by the Sultan of Morocco for the loan from Gibraltar of 100,000 rounds of Martini-Henry cartridges;* and I am to request that, in laying this letter before

* No. 18.

Mr. Secretary Stanhope, you will state that his Lordship considers that His Shereefian Majesty's application should be complied with.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 24^a.

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received July 20.)

(No. 11.)

My Lord,

Tunis, July 13, 1888.

BY my telegram of this day, I had the honour to inform your Lordship that contractors received orders from the French military authorities to have ready the total quantity of victuals contracted for. I had this information from one of the Maltese contractors.

I have, &c.
(Signed) J. CARBONARO.

No. 25.

Messrs. Pyke and Minchin to Foreign Office.—(Received July 20.)

2, Metal Exchange Buildings, 95 and 96, Gracechurch Street,
London, July 18, 1888.

Dear Sir,

WE have been requested by the representatives of Mr. Damonte, a British subject, lately residing at Mogador, to place before you the following facts, and to ask you kindly to bring the matter before the notice of the Government of Morocco. It appears that when Mr. Damonte (like other Europeans) left Mogador, at the breaking out of the Spanish war in 1859, he left in charge of the then Governor of Shiadma, Kaid Bon Jemar, with whom he was on friendly terms, a large portion of his property, amounting to some 23,418 dollars, and also cattle and sundry Sheikh's of the tribe (sic).

On the removal of Kaid Bon Jemar from the Governorship, his successor, Kaid Omar-el-Henshowe, took possession of all Mr. Damonte's property.

Mr. Damonte, on hearing of this while at Gibraltar, complained to Her Majesty's Legation at Tangier, which resulted in a small part of the property being returned, consisting of some oil and a few other things, and the amount claimed was reduced to 21,203 dollars, in addition to a mansion in the town and rent from the time of seizure.

After protracted proceedings the Kaid was ordered to swear in the principal Mosque of Mogador or pay. This decision has been evaded and never enforced, although several offers of compromise are stated to have been made. It is believed that if representations are made through your office to the Governor of Mogador, that a settlement claimed by the Damonte family will be made.

Our clients are needy people, and the loss is very considerable to them.

The matter is well known in Mogador and Tangier, and it is believed that the same was investigated by Consul Payton, who made a report in or about September, 1886.

Apologising for troubling you, and trusting that you will give the matter attention.

We are, &c.
(Signed) PYKE AND MINCHIN.

P.S.—We shall be most happy to give you any further particulars and information you may require.

P. AND M.

Question asked in the House of Commons, July 20, 1888.

Sir Thomas Erskine.—To ask the Secretary of State for Foreign Affairs if he has seen the article "Morocco" in the "Westminster Review" of December last:

If he can state how many native "protégés," nominally British subjects, are attached to the British Consulate at Tangier:

Whether any of them have, within the past six months, made claims upon natives for money lent:

Whether it is a fact that exorbitant rates of interest are charged:

How many of these "protégés" are money lenders:

And, how many of their claims were *bond fide* claims.

Answer.

I have no official information which would enable me to answer the detailed questions of the honourable gentleman.

Sir W. K. Green to the Marquis of Salisbury.— Received July 21)

(No. 93. Confidential.)

My Lord,

Tangier, July 12, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 66, Confidential, of the 6th instant, directing me to furnish your Lordship with any observations I may have to offer on the subject of the stability of the present Maroccan Government, and the steps which might be taken in the interest of Great Britain and Italy should that stability be seriously shaken.

The insurrection of the Beni Mghid and other adjoining tribes is no new feature in the state of Morocco. These tribes, as nearly all the other powerful sections of the Shloh or Berber population, to be found in all parts of the Empire, have hitherto accorded but a nominal allegiance to the Central Government, merely admitting the spiritual power of the Sultan, and only contributing an occasional present to his Treasury as a mark of their reverence.

Mulai Hassan since his accession has apparently set himself the task of bringing more under the immediate control of his Administration these Berber populations. His most notable attempt was that over the Soos country, forming the southernmost part of his dominions. After one or two ineffectual attempts the Sultan two years ago penetrated the Soos with his army and completely humbled it. It is now considered subdued, for though the people continue to be governed by feudal Chiefs and to carry on wars between themselves, still they tolerate in their midst officers appointed by Mulai Hassan as Governors, but who really exercise no power.

Last summer the Sultan marched along the western slopes of the Atlas Mountains from the city of Morocco northwards, summoning the Berber tribes to submission. He met with varying success, and now he has undertaken the subjection of the mountain clans around Fez and Meknes. It is rumoured that when he has visited Tangier and Tetuan he will march thence through the Riff country, and thus crown his endeavours by carrying out a so-called subjugation of a people who have hitherto been considered as the most powerful among Berbers.

No greater danger threatens the Sultan from the present operations against the Beni Mghid, Ben Mtir, Zeen, and their brethren than is always existent against the Maroccan Sovereign. The insurrection is one of his own seeking. He has chosen to notice the fact that the allegiance of these tribes is only nominal. The moment he decides to turn away his attention and withdraw his army from the invaded districts there will be an end of opposition, or, as some may say, a cessation of insurrection.

There is, nevertheless, an ever-present danger from this state of things to the Sultan's rule. A disaster to His Majesty's troops, a stray shot, assassination at the hands of some unfortunate individual driven to despair by utter ruin, and many other similar contingencies may suddenly leave the country without a recognized Head.

At present there is the additional danger that there is no one who, in the public estimation, is fit to succeed Mulai Hassan. Until recently he was supposed to favour his eldest son, Cid Mohamed, whom he appointed last year Viceroy of the city of Morocco, but since His Majesty's late illness, when he was nursed with great assiduity by a Circassian wife, the mother of Mulai Abd-ul-Aziz, a child about 8 years of age, it is understood in Court circles that this child would be indicated by Mulai Hassan as his successor out of gratitude to its mother.

Thus dangers from constant warfare; from ever-augmenting discord, the result of unmeasured confiscation and rapine; from harem rivalries and intrigues regarding the succession; and from the Sultan's increasing avarice and rapacity by which he alienates the attachment of his personal attendants and reflects the consideration of the wealthy, make the continuance of the present Maroccan Government most uncertain.

Besides, in French circles in these parts acquainted with the policy of their country, it is stated that Mulai Hassan is the last of the Sultans of Morocco. The support afforded to the Sherref of Waxan is believed will force events to such an end.

In any case, on the deposition or the death of the Sultan, political troubles are considered certain by those who have had a long acquaintance with this country. They believe that the amelioration which has been effected in late years in the position of the native Jews, and which has been abused by certain of them to oppress and extort from Moors usurious profits, will entail outbreaks of ferocity and fanaticism against the Jewish communities in the towns of the interior during the interregnum which always takes place between the demise of one Sultan and the accession of another—acts of violence during such an interregnum not being punishable by the new Sovereign. In these outbreaks the few Europeans who reside in the interior would probably share the treatment of the Jews.

To stop horrors, which would doubtless be exaggerated by the Jews in order to draw speedy assistance from abroad, there can hardly be a doubt that, under the plea of suffering humanity, and with the approval of the civilized world, French troops would be directed from the Algerine borders to march on the centres of disorders, which would probably be Fez, Meknes, and the city of Morocco. These central points of Morocco are all easily attainable from the inner frontiers of Algeria. The occupation by French troops of Morocco could, therefore, be accomplished without drawing much public attention, and need scarcely be known as such until it had been fully and securely established.

I consequently consider that it would be only an act of common prudence to be prepared for such an event, and to have formed a decision how it should be met.

A French occupation of the interior for the sake of humanity or a Spanish military expedition to support this or that candidate for the succession of the Sherifian Caliphate, should have all elements of permanency taken from them by the immediate occupation of several points of the Maroccan coast, such as, for instance, Tangier, D. el-Badja (Casablanca), Mazagran, and Mogador, by small forces of such Powers as look upon the independence of Morocco as necessary for the proper freedom of navigation in the Mediterranean and to the oceans and seas of the further East.

These combined or even single-handed occupations should be maintained on the same principles as I believe Beirut was occupied in 1860-61, by British troops, until the soil of Morocco was entirely freed from foreign occupation, a liberation which could probably be effected when stability was once more given to a Maroccan Government.

I have, &c.
(Signed) W. KIRBY GREEN.

Mr. Donkin, M.P., to Foreign Office.—(Received July 21.)

Dear Sir James Fergusson,

Albemarle, Wimbledon Common, July 20, 1888.

I INCLOSE you the letter I spoke to you about last night. If you think there is anything in it, you can see my friend in the House at six this evening.

I am, &c.
(Signed) R. S. DONKIN.

Inclosure 1 in No. 28

Messrs. Pyke and Minchin to Mr. Donkin, M P.

(Confidential.)

My dear Donkin,

2, Metal Exchange Buildings, 95 and 96, Gracechurch Street,
London, July 18, 1888.

A CLIENT of ours has arrived from Tangier, who wishes to sell to the British Government a piece of land near Tangier and exactly opposite to Gibraltar.

This land consists of 110 hectares. Our client (who is a British subject) has had offers both from the French and Spanish Governments, but he would prefer to sell to the English Government.

This matter has not been hawked about, and I am anxious, most anxious, that it should be well and properly brought under the notice of Her Majesty's Government.

I believe that this piece of land either as a coaling station or a fort might be extremely useful for Imperial purposes, and, therefore, I venture to ask you to introduce me to Mr. Forwood, M P., at the House of Commons. If to-morrow (Thursday) afternoon were convenient to you, I should be glad to come down to the House to talk it over with you, but of course Friday would suit me as well.

I do not wish the grass to grow, or our client (who only holds a power of attorney from the owner, who is a Belgian), will have to accept the offer of the French or Spanish Government.

If you write to-night, will you kindly address to York Mansions, but a telegram to "Pynek, London," will always bring me down to the House.

The title-deeds can be produced at short notice, and we have a tracing of the property.

Inclosure 2 in No. 28.

Sketch showing Property situated on the Straits of Gibraltar at 2½ hours E., ¼ of an hour N.E. of Tangier, and containing 110 Hectares.

No. 29.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 146A. Secret)

Sir,

Foreign Office, July 21, 1888.

THE Italian Chargé d'Affaires at this Court called at the Foreign Office to-day to communicate a telegram which he had received from the Italian Minister for Foreign Affairs, to the following effect:—

"The Italian Agent at Tunis has reported by telegraph that he has heard from a good source that the reigning Bey is dangerously ill. The Agent adds, that the Heir to the Throne, now in Paris, is a person little considered, and capable from avarice of selling the Throne. He fears, therefore, a complication in the event of the Bey's death.

"Signor Crispi accordingly instructs M. Catalani to inform me at once of the foregoing, and to come to an understanding with Her Majesty's Government as to a mode of defeating, and, if necessary, of preventing a French annexation of the Regency, which the Mediterranean Powers could not tolerate."

I have informed M. Catalani in reply that I will have the Treaties examined and see precisely how the matter stands in respect to international law. I have further explained to him that I do not believe that, in the present strained condition of Europe, there is any danger of adventurous policy on the part of France at Tunis.

I am, &c.

(Signed) SALISBURY.

No. 30.

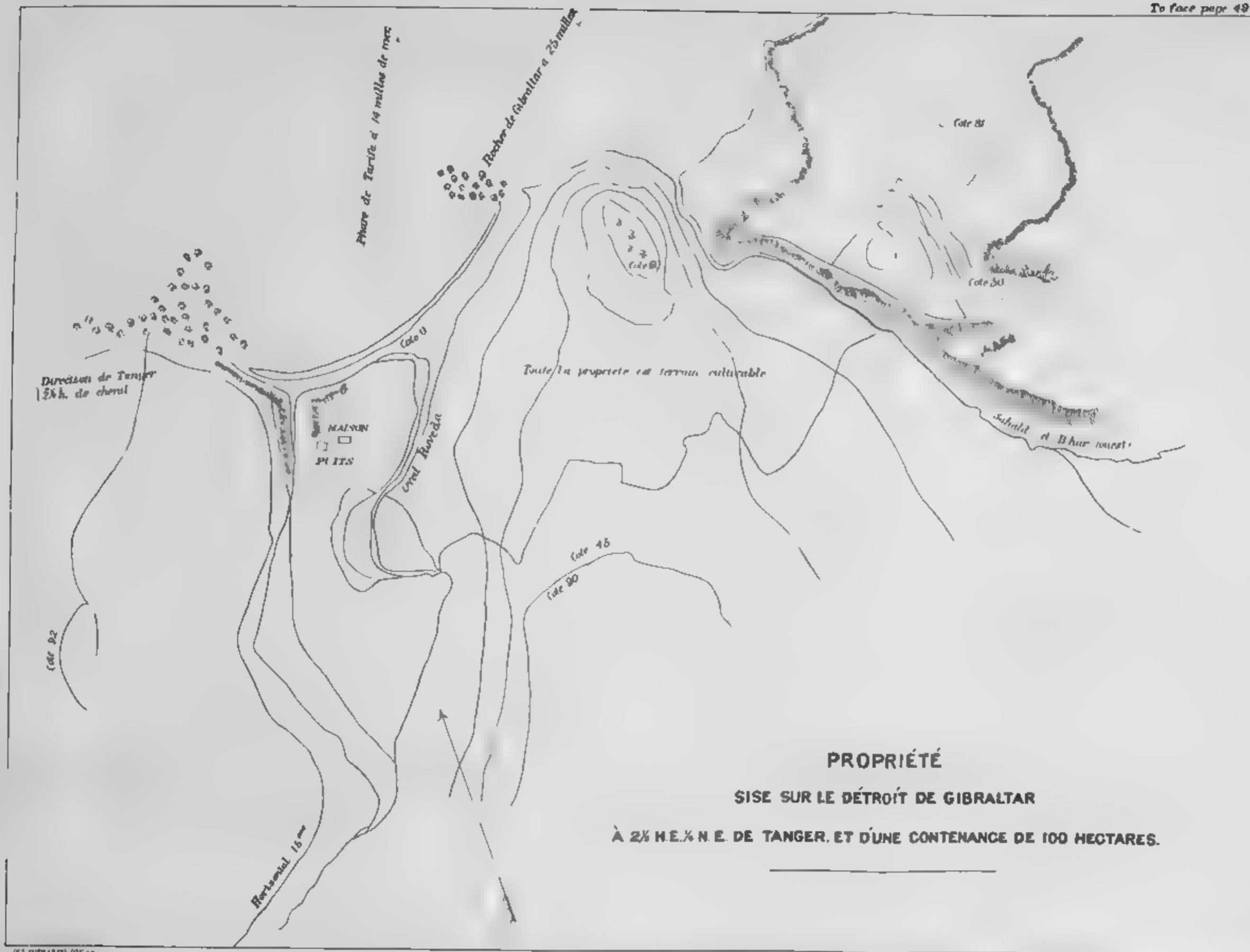
The Marquis of Salisbury to Sir W. K. Green.

(No. 76.)

Sir,

Foreign Office, July 21, 1888.

WITH reference to your despatch No. 44 of the 27th March, I transmit to you the accompanying copy of a further letter from Messrs. Shuttleworth and Co., in



regard to their case against Solomon Pariente,* and I have to request you to furnish me with a report as to the refusal of Pariente, as alleged by Messrs. Shuttleworth, to render accounts in accordance with the terms of the award.

I am, &c.
(Signed) SALISBURY.

No. 31

War Office to Foreign Office.—(Received July 22.)

Sir,

War Office, July 21, 1898.

I AM directed by the Secretary of State for War to acknowledge the receipt of your letter of the 17th instant, together with a copy of a despatch from Her Majesty's Minister at Tangier, requesting the loan of 100,000 rounds of Martini-Henry cartridges for the Sultan of Morocco, and in reply to acquaint you that the cartridges cannot be issued on loan; but orders have been given to the General Officer Commanding the troops, Gibraltar, for the supply to be made on repayment.

I have, &c.
(Signed) RALPH THOMPSON.

No. 32

The Marquis of Salisbury to the Acting British Consular Officers at Tunis and Algiers.

(Telegraphic.)

Foreign Office, July 22, 8 P.M.

REPORT of death of Bey yesterday. Is it true? If so, what action has been taken?

No. 33

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received July 23.)

(Telegraphic.)

Tunis, July 23, 1898.

BEY little better

No. 34.

The Acting Consul-General, Algiers, to the Marquis of Salisbury.—(Received July 23, 1 10 P.M.)

(Telegraphic.)

Algiers, July 23, 1898, 10 40 A.M.

NOTHING known of death of Bey here. Have telegraphed to Tunis.

No. 35.

The Marquis of Salisbury to M. Catalan.

(Confidential.)

M. le Chargé d'Affaires,

Foreign Office, July 23, 1898.

I HAVE the honour to transmit, for your information, copy of a despatch which has been received from British Consul at Tunis relating to the movements of the French troops in the Regency.†

I have, &c.
(Signed) SALISBURY.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 149. Secret.)

Sir,

Foreign Office, July 23, 1888.

WITH reference to my despatch No. 146 A, Secret, of the 20th instant, I have to acquaint you that the Italian Chargé d'Affaires at this Court called to communicate a further telegram from the Italian Minister for Foreign Affairs under date of the 21st instant, to the following effect —

"The Italian Agent at Tunis now reports that the Bey died on the 21st instant, and Signor Crispi desired that M. Catalani should inquire of me, without delay, whether Her Majesty's Government shared his Excellency's opinion that the time had arrived for the dispatch of ships of war to Tunisian waters to watch events."

I caused M. Catalani to be informed that, assuming the news of the Bey's death to be true, nothing has come to the knowledge of Her Majesty's Government which would justify a combined naval movement, and such a step might consequently produce suspicion. Moreover, Her Majesty's Government have no similar report from their Agent at Tunis, but we should probably hear shortly.

I am, &c.

(Signed) SALISBURY.

No. 37.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 150. Secret.)

Sir,

Foreign Office, July 23, 1888.

WITH reference to my despatch No. 149 of this day's date, I have to acquaint you that the Italian Chargé d'Affaires at this Court has communicated to me a further telegram from Signor Crispi, dated the 22nd instant, which is to the following effect —

The news of the death of the Bey has been contradicted, but there is reason to think that the contradiction has been spread by French Agents with a view of gaining time.

"This is, in Signor Crispi's opinion, the more probable, as his Excellency hears from a good source that a considerable French squadron is ready to leave for Tunis, and that the Tunisian journals denounce the annexation of the Regency to France."

"Whilst issuing orders for the preparation of an Italian squadron to go to Tunisian waters, Signor Crispi gives expression to the wish that a vessel might be detached from the British squadron at Malta to Tunisian waters, as a warning against any acts which might compel united action."

"M. Catalani was instructed to speak to me upon the subject and to report my opinion."

I informed M. Catalani in reply, that the intelligence received at the Foreign Office did not confirm the rumour of the Bey's death, and I added that I considered that the absence of any evidence that France had any aggressive designs, any naval movement would have a provocative effect, especially as if France did intend to annex Tunis, she would certainly do it by a movement of troops from Algeria and not by any naval action.

I am, &c.

(Signed) SALISBURY.

No. 38.

Acting Consul Curzon to the Marquis of Salisbury — (Received July 24, 10:45 A.M.)

(Telegraphic.)

Tunis, July 24, 1888, 8:35 A.M.

BEY well enough to receive public. I shall telegraph with a serious news.

Sir W. K. Green to the Marquis of Salisbury. — (Received July 25.)

(No. 94. Confidential.)

My Lord,

Tripoli, July 18, 1888.

I HAVE the honour to transmit herewith, for your Lordship's information, an extract from a private letter received by me this evening from Lord Maclean, giving a most graphic account of the operations of the Moorish troops against the Beni Mghid tribe, and which appear to have ended in the complete success of the expedition undertaken against them by the Sultan.

I have, &c.

(Signed) W. KIRBY GREEN.

Inclosure in No. 30.

Mr. Maclean to Sir W. K. Green.

Fez, July 14, 1888.

(Extract.)

ON Thursday, the 2nd June, we made a short march of three hours and camped about one hour's march from two large casbahs (castles), which the men were sent to attack as soon as the camp was pitched. The Sultan would not allow the big field guns to go. I think he was afraid of their being captured. The first casbah was soon taken, but the second was a tough job, it was in such an excellent position and so well built. On its right and right front was a river with a very steep rocky bank. To the rear and left rear were hills thickly wooded, which the enemy occupied by the enemy. On each corner of the casbah was a bastion filled with good shots. On the left was the old casbah which the enemy had fired before leaving.

As the Beni Mghid were fighting as pluckily as mice in a hole we lost a lot of men (eighty-seven wounded and twenty-one killed of the Askars (regular infantry) besides a lot of friendlyes) before they gave up. We took the hill first, and went right up to the walls of the casbah several times, but we had no escalading gear, and the walls were as hard as flint. About 7 o'clock a man rushed out of the casbah over the wall and "crazed" (put himself under the protection) with the Feki Senou, and said if the Feki would give him a gage he would give him "sultana" (overcoat) as an engagement on his part) and bring all the men out of the casbah and they would all go before the Sultan to do as the Sultan might please. I stuck to it, not knowing what to give, so I gave my turban, and undertook to go with the man, and off we went. I got the men to stop firing, but as soon as we got to the walls of the casbah all our men commenced to rush up (I think they all wanted to get in to meet). As soon as the men in the casbah saw this they got afraid, and some of them who were coming out over the wall went back. Then our men commenced to fire, and the men would not listen to me or to any of their officers, so as I felt sure if the men came out they would be set upon and all killed just for loot, I got the men to retire, and the man who had my turban told me as soon as the coast was clear all his men would leave the casbah, which they did, and next morning a party was sent to throw down the walls.

The Beni Mghid lost over 300 killed, and saw they could do nothing against the Askars, so that on Saturday two men from each "dowar" (village) came to the Sultan asking for pardon, and expressing readiness to pay and do whatever His Sherrefian Majesty wished, and now they all have Kaida (Governors appointed by the Sultan) and are paying up.

The Sultan has gained a great victory, as this is by far the strongest tribe His Sherrefian Majesty has. All are very wealthy and well-to-do on account of the Sultan's Government having had nothing to do with them.

On Tuesday, the 3rd instant, we made a short march and passed a big casbah which has seven gates. All the people came out to meet the Sultan, and the Sultan found one big brass gun and one big brass mortar that had been left by his great-grandfather about eighty years ago, when he had come to conquer the Beni Mghid, but, instead, his whole camp had been scattered, and the Sultan was taken to Meknez disguised in the clothes of some of his own women, by an Ait Ussee man, who took compassion on the Sultan. The family of this man still have the papers from the Sultan that no Sultan is ever to take or receive from them any taxes or anything, so that their "hamer" (place of abode) is the largest in the tribe.

The French Commander (chief of the French Military Commission) was asked to go to the cashah with some Moors to show them how to use dynamite to blow up the walls. He refused to go unless he had a written order with the Sultan's seal on it.

No. 40.

Signor Crisp to M. Catalani.—(Communicated to the Marquis of Salisbury by M. Catalani, July 23.)

(Télégraphique.)

Rome, le 20 Juillet, 1888.

La note relative au Maroc que nous désirons échanger avec une note analogue du Gouvernement Britannique devra se référer aux principaux points de la question dans le sens des instructions préparées par nous à l'usage du Délégué à la Conférence de Madrid. Ces instructions ont été confidentiellement communiquées par vous à Lord Salisbury. La note pourra commencer par une déclaration en faveur de l'intégrité de l'Empire et du maintien du Sultan actuel, et on s'engagera à s'employer à faire prévaloir au Maroc un régime plus favorable aux intérêts des pays étrangers et un système judiciaire et administratif se rapprochant le plus possible des Etats civilisés et apte à sauvegarder complètement la propriété et la personne des étrangers.

On devra aussi faire résulter de la note l'accord entre les deux Puissances en ce qui concerne les protections Consulaires et la protection des Juifs. Si les deux notes ne servent pas comme point de départ à une Convention Internationale, elles pourront toujours être notifiées à l'ouverture de la Conférence pour les affaires du Maroc, et tout ainsi à en simplifier les travaux. Après que l'échange des notes aura eu lieu, nous tiendrons d'un commun accord avec Lord Salisbury de leur obtenir l'adhésion de l'Espagne. Quant à la clause pour une entente relative à l'occupation éventuelle d'un des ports de l'Empire, dans le cas où le Sultan fuserait à un tiers Puissance la cession d'une partie de son territoire, elle devra être contenue dans une autre note d'un caractère secret, laquelle devra être échangée simultanément avec la première.

Veuillez rédiger, sur les bases de ces instructions, conjointement avec Lord Salisbury, un projet de note et me le télégraphier brièvement.

(Signé) CRISPI.

No. 41.

The Marquis of Salisbury to Sir W. K. Green

(No. 77.)

Sir,

Foreign Office, July 25, 1888.

WITH reference to your despatch No. 90 of the 5th instant, on the subject of a request from the Sultan of Morocco for the loan of 100,000 rounds of Martini-Henry cartridges, I have to state to you that I am informed by Her Majesty's Secretary of State for War, to whom the matter was referred, that the cartridges cannot be issued on loan, but that orders have been given to the General Officer commanding the troops, Gibraltar, for the supply to be made on repayment.

I am, &c.
(Signed) SALISBURY.

No. 42.

Memorandum by Messrs. Pyke and Minchin.—(Communicated to Foreign Office by Mr. Simon, July 26, 1888.)

(Private and Confidential.)

IN reply to the questions you put to me respecting the land on the Moorish side of the Straits of Gibraltar, I have to state as follows:—

1. The estimate made is that it contains about 110 hectares (about 275 English acres).

2. Soil.—Fully two-thirds of the land is arable and under cultivation by the Moors, who take care of it. It produces grain of all sorts, besides good grazing grounds for cattle.

3. Situation.—As you will perceive from the drawing, it is as nearly as possible

facing Tarifa in Spain and the important British Colony of Gibraltar, being in the immediate neighbourhood of Torre Blanguilla, better known as Cape Malabat, on the east side of the Bay of Tangier. On the eastern side it joins the territory of Angera, a rich agricultural district on the Straits of Gibraltar.

4. It has a small natural bay where vessels of fair size can safely anchor at all times.

5. As you will notice on the design given the situation commands the Straits, and would, therefore, prove of the highest importance to any Maritime Power that should hold it, with a view of using it in time of war as a coaling station or fortress. Of this I shall speak further on.

I stepped in and advised the owner to give the refusal to England, for whom the possession of this land would be of greater importance than to any other Power, for the following reasons:—

(a.) Any European Power holding this possession in time of war would share the command of the Straits with Gibraltar, and make a very disagreeable *vis-à-vis*.

(b.) At present Gibraltar is rivalled from Spain by land and Tangier by water. Should therefore, Spain become hostile, or only allied to a hostile Power, the supplies from that country would be cut off, while the nation holding this part of the Moorish coast would play a very important part in preventing supplies from Tangier, whereas England having this possession, however small it may appear, would secure a *ped à terre* enabling it to draw supplies for its Gibraltar garrison from the rich territories of Angera Wadras and others whose feelings towards the English are of the very best.

(c.) Although the estate would appear small at present, considerable additions may be made by subsequent purchases through native agents of other plots adjoining it, thus extending, at small additional cost, the British possessions on the Moroccan coast of the Straits.

6. It is needless to dwell on the importance of the situation which politicians of England will certainly not neglect, but I considered my duty as an Englishman to point out certain facts which British statesmen may not be acquainted with.

Last summer a certain M. Jaluzot, of the "Pantempe" command, arrived in Paris, paid 50,000 fr. (2,000*l.*) for a piece of land (about 50 acres) on the other side of Tangier between the bay and Cape Spard. The land was sold him by the Sultan of Wadras, but the acquisition is far from desirable as it is a part of the Straits and has nothing behind it of any value being itself a most rocky coast impossible to land on except after the expenditure of millions. But M. Jaluzot, the purchaser whom I know to have taken part in a political movement which frayed at some of his friends that he merely wanted a *ped à terre*, let it cost what it like.

Generally, such acquisitions of land are of the greatest political and commercial importance, as they would give England that *footing* which our commerce owes her to in a country which, through its geographical position, is called to play a most important part in history as the nearest point of Africa to Europe and the future high road to new markets in the heart of Africa.

My humble opinion, therefore, is that the purchase be made in the name of a private agent (i.e., of Her Britannic Majesty's Government), who could settle there as a farmer, and build on the estate and on any land he may afterwards acquire, such works as may be necessary for future operations. There would be no obstacles put in the way of private enterprise, and no questions would arise, which the industry and resources of that part will prepare the ground for more active enterprises with time and distance may require. Such resources, however, I had no opportunity with the scope of present Treaties with Morocco, and no objection can legally be raised.

I shall be most happy to render my assistance to any power to any one who may take charge of the matter. My experience of the country and its intimate connection with the natives fully qualifying me for such purposes.

In conclusion, I have given you all these facts simply from a conscientious sense of public duty, my instructions from the proper authorities, which I prevented from treating with other parties being that should I not come to an understanding with English purchasers, to go over to France and conclude the sale there, for which purpose I have letters to some important members of the French Government.

I have omitted to mention that the present estate created by formally taking possession of territory purchased by some Germans on the African coast will assist England's rights at a future period.

7. It may not be prudent to make immediate use of the place in the name of the Government, as that would not only put other Powers on the alert and precipitate the

"Morocco question," but would stand in the way of fresh acquisitions by the Government or by Englishmen.
July 21, 1888.

No. 43.

Sir W. K. Green to the Marquis of Salisbury. — (Received July 28.)

(No. 95. Confidential.)

My Lord,

Tangier, July 21, 1888.

THIS morning, whilst calling on my Italian colleague, he read to me two despatches which he had written a few days ago to Signor Crispi, one in connection with the danger of sudden complications arising through the possible demise of the Sultan and the absence of a well-indicated successor, and the other regarding Mulai Hassan's expected visit to Tangier and the probable presence in these waters of large French, Spanish, and other naval forces.

Signor Cantagalli, in the first Report, has placed before Signor Crispi a statement of the political condition of Morocco very similar to the one which I had the honour of addressing to your Lordship under No. 93, Confidential, of the 12th instant, and concludes it with the recommendation that his Excellency should endeavour to arrive at a clear understanding with Her Majesty's Government as to the course that should be followed should British and Italian interests be menaced through foreign interference in the internal condition of Morocco.

In his second Report my Italian colleague states to the Minister of State that he had ascertained from the Italian Legation at Tunis that some British ships of war in Tunis Bay, among the Sultan's possessions, would probably have a beneficial effect on His Majesty's affairs, and Signor Cantagalli also states that as he knew the French and Spanish Governments are sure to avail themselves of the opportunity offered by the Sultan's coming to make considerable naval demonstrations in Moroccan waters, and he expresses, therefore, the opinion to Signor Crispi that the presence of one or two of the largest Italian iron-clads, and, possibly, of one or more German vessels of war, would be sufficient, when taken in conjunction with the British ships, to give Mulai Hassan a true conception of the strength of the different Powers under certain combinations.

I have abstained from giving Signor Cantagalli definite information concerning my suggestion for the coming of the Duke of Edinburgh with the Mediterranean fleet, lest difficulties in its execution should arise; yet I cannot but repeat my hope to your Lordship that a proper display of British naval force on the occasion in question will be feasible.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 44.

The Earl of Lytton to the Marquis of Salisbury. — (Received July 28.)

(No. 410.)

My Lord,

Paris, July 27, 1888.

I NOTICE, in the "Journal Officiel" of this day, an account of some remarks made, in the course of a recent sitting of the French Geographical Society, on the subject of French interests in Morocco, which, it was stated, would be usefully furthered by the construction of railways in that country in connection with the Algerian railway system.

I have the honour to transmit a copy of the passage to which I refer.

I have, &c.
(For the Ambassador).
(Signed) EDWIN H. EGERTON.

Inclosure in No. 44.

Extract from the "Journal Officiel" of July 27, 1888.

APRÈS M. de Lesseps, qui a esquissé à grands traits la topographie de l'Isthme de Panama et indiqué l'état d'avancement des travaux pour le percement de l'Isthme, M. de Campon a parlé du Maroc, de son Gouvernement (Makzen) et des intérêts Français en ce pays, où la construction de chemins de fer serait très désirable. "Nous devons," a-t-il dit, "faire en Afrique ce que font les Russes en Asie. Reliée à nos chemins de fer Algériens, continuée jusqu'à Marnia (le premier poste Français du côté du Maroc), la ville de Fez serait à un jour d'Oran, et ce chemin de fer, prolongé jusqu'à Tanger, mettrait en communication effective le Cap Spartel et le Cap Bon."

No. 45.

M. Catalani to the Marquis of Salisbury. — (Received July 28.)

(Translation.)

(Confidential.)

My Lord,

London, July 27, 1888.

I DID not fail to communicate to my Government the information contained in your Lordship's Memorandum relating to the Reports sent to the Foreign Office by Her Britannic Majesty's Consul at Tunis on the movements of the French troops in that Regency, and I have also communicated the Statistical Table of the troops themselves which is annexed to the Memorandum.

His Excellency M. Crispien has also conveyed to your Lordship the thanks of the Italian Government for this interesting information.

In fulfilling this pleasant duty, I have, &c.

(Signed) T. CATALANI.

No. 46.

The Marquis of Salisbury to the Earl of Lytton.*

(No. 17. Secret.)

(Telegraphic.)

Foreign Office, July 28, 1888.

IN order to warn French Government, I have told French Ambassador confidentially of Crispien's report concerning death of Bey of Tunis, and supposed designs of France. French Ambassador disclaimed very warmly any knowledge of such plans or invading Tripoli. He said there was a party in France for annexing Tunis, but Government was opposed to it, but the invasion of Tripoli was contrary to the most fixed principles of French policy.

He said Menabrea had suggested, as a personal view, arbitration as to Massowah, and French Government proposed, if that suggestion was made, that we should be the arbitrators. I expressed our sense of the honor, but without formally declining, I advised strongly against it, on the ground that our opinion against the system of Capitulations had been very plainly expressed.

No. 47.

Acting Consul Carbonaro to the Marquis of Salisbury. — (Received July 29.)

(Telegraphic.)

Tunis, July 29, 1888.

FRENCH fleet arrived yesterday. Iron-clads, seven; torpedoes, two.

* Also to Mr. J. G. Kennedy (No. 3. Secret.)

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received July 31.)

(No. 12.)

My Lord,

Tunis, July 24, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram of the 22nd instant, asking what action had been taken on account of the Bey's death. Mr Consul Sandwith, before leaving Tunis, handed me the Army and Navy Signal Book, for my use in telegraphing to the Foreign Office. I did not know that he had also left the Government Telegraph Code, which I found after I had telegraphed to your Lordship stating that I had not understood the telegram received. I therefore wired immediately that the Bey was a little better.

His Highness had an abscess on the back of his left shoulder, and some people considered it as dangerous, but he is now reported to be perfectly cured, and yesterday he received in person those who called to inquire after his health.

Your Lordship's telegram of yesterday, stating that the Bey's death had been reported again, has been answered by me this day as follows:

"Bey well enough to receive visit from public. I shall telegraph when serious news."

I have, &c.

(Signed) G. CARBONARO.

No. 49.

Foreign Office to Acting Consul Carbonaro.

(No. 6.)

Sir,

Foreign Office, July 31, 1888.

WITH reference to Consul Sandwith's despatch No. 8 of the 27th ultimo,* I am directed by the Marquis of Salisbury to state to you that, in his Lordship's opinion, there is no valid ground for an objection on the part of Her Majesty's Government to the manner in which the dog tax at Tunis is made recoverable.

His Lordship understands that the summary method of treating defaulters is the matter of which complaint is made. But the remedy is applied by process of the French Courts, to which jurisdiction British subjects are amenable.

I am, &c.

(Signed) JULIAN FAUNCEFOTE.

No. 50.

M. Catalani to Foreign Office.—(Received August 1.)

(Translation.)

(Confidential.)

Dear Sir Julian,

19 Grosvenor Square, London, July 30, 1888.

I HAVE the honour to acknowledge receipt of a copy of the confidential Memorandum which, by direction of Lord Salisbury, you were so kind as to address to me on the 25th instant respecting the state of affairs in Morocco and the insurrection of the Beni 'Mgild and other tribes. I hasten to thank you for this communication, which I shall not fail to transmit to the Government of the King.

At the same time, I have the honour to inform you that I have received instructions from Mr. Crisp to let the Marquis of Salisbury know that the King's Minister at Tangier has sent the news of a defeat inflicted on the Beni 'Mgild, on the 25th June last, near the place called "Aca Tebu."

Cavaliere Cantagalli has, however, said that this success of the Sultan's is not such as to lead him to expect the prompt termination of the campaign, as the rebels hurried themselves after their defeat in the region inhabited by them, into which the Sultan finds it impossible to advance quickly on account of the difficulties opposed by the nature of the ground. The journey of Mula Hassan to Tangier will be again deferred, according to all probability.

Believe me, &c.

(Signed) T. CATALANI

* Not printed.

The Marquis of Salisbury to Sir W. K. Green.

(No. 81. Most Confidential.)

Sir,

Foreign Office, August 1, 1888.

I TRANSMIT to you the accompanying papers, as marked in the margin,* in regard to an offer of a piece of land in the neighbourhood of Tangier to Her Majesty's Government, and I have at the same time to request you to furnish me with any remarks which you may have to make thereupon.

The inclosures to this despatch being sent in original, I shall be obliged by their return in due course.

I am, &c.

(Signed) SALISBURY.

No. 52.

The Marquis of Salisbury to M. Catalani.

Dear Signor Catalani,

Foreign Office, August 1, 1888.

I HAVE examined with care the draft note with reference to the affairs of Morocco which you placed in my hands some days ago.

It appears to me to cover rather a wider field than I had contemplated, and to include some matters not mentioned in our original conversations. We had intended, on the occasion of the Conference which the Spanish Government proposed to call upon the subject of protection in Morocco, to put on record a declaration that we would not take any action inconsistent with the integrity of Morocco, and suggesting to the other Powers at the Conference to join in our declaration. When the Conference fell through we thought it might be useful still to put on record such a declaration, and give a similar invitation to the other Powers who were to be summoned to the Conference. That was the main object of the notes which I suggested that the English and Italian Governments should exchange, and for which we were afterwards to seek the concurrence of Spain and the other Powers concerned.

But I have no objection at the same time to put on record that our policy is to encourage necessary reforms in the judicial and administrative systems of Morocco, and to procure such modifications of her fiscal system as are required in the interests of commerce.

But I do not think that any occasion has arisen requiring a mutual engagement to sustain the integrity of Morocco by naval measures, and, in my view, the Laws of Succession in Morocco are not yet sufficiently well defined to justify the two Powers in entering into an engagement to maintain them. It would be necessary first to satisfy ourselves that they exist in a definite form.

I attach some importance to delaying any representation to the Court of Spain until the English Ambassador has returned from his leave. It is not therefore a matter of immediate urgency to determine the language to be employed in the proposed draft note.

I have, &c.

(Signed) SALISBURY.

No. 53.

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received August 3.)

(No. 13.)

My Lord,

Tunis, July 30, 1888.

BY my telegram of yesterday I had the honour to report to your Lordship the arrival, on Saturday afternoon, of a French fleet, consisting of the following men of-war:—

* No. 28 and Inclosures.

	Crew	Guns.
"Colbert" (bearing the flag of Vice-Admiral Arnot)	782	16
"Amiral Duperre"	616	19
"Courbet"	615	14
"Dévastation" (bearing the flag of Rear-Admiral De Varenne)	626	14
"Redoutable"	54	14
"Incomptable"	303	6
Gun boat "M. lae"		5
"Canon"		1

This fleet left Toulon on the 23rd, and Bastia on the 26th instant.

I have, &c.
(Signed) G. CARBONARO.

No. 34.

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received August 7)

(No. 14.)

My Lord,

Tunis, July 31, 1888.

I HAVE the honour to report to your Lordship that a few days ago the Superintendent of the French Military Department at Gabes sent for Consul-Agent Callja, and asked him how many camels could be had on hire if required. M. Callja informed him that 2,000 could be easily obtained.

Vice-Consul Galen, who gave me this information from Gabes, where he is at the present moment, is of opinion that some secret enterprise is being projected.

I have, &c.
(Signed) G. CARBONARO.

No. 35.

Foreign Office to Admiralty.

(Confidential.)

Sir,

Foreign Office, August 3, 1888.

WITH reference to your letter of the 23rd June, I am directed by the Marquis of Salisbury to transmit to you, for the information of the Lords Commissioners of the Admiralty, an extract from a despatch which has been received from Her Majesty's Minister at Tangier respecting the despatch of a naval display on the occasion of the Sultan's visit to Tangier, and I am to express the hope that His Royal Highness the Duke of Edinburgh's suggested visit will, under the circumstances, be carried out.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 36.

Sir W. K. Green to the Marquis of Salisbury.—(Received August 6.)

(No. 96.)

My Lord,

Tangier, July 27, 1888.

ONE of the most onerous and thankless tasks which Her Majesty's Representative in this country has to perform is the periodical revision of the lists of natives in the employ of British subjects as Semsars, an employment which, on the delivery of a certificate to the native by this Legation, immediately transforms him into a British-protected subject, entitled to all the immunities from taxation and privileges enjoyed by foreigners in Morocco.

As your Lordship is already aware, Moorish misgovernment, combined with a rather lax observance of the restrictions placed on the protection of natives by some of

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the foreign Representatives, has widened in almost an inordinate manner the application of the rights of foreign protection of natives under the terms of the Madrid Convention of 1880.

I, nevertheless, considering that abuses practised by some hardly authorize their commission by all, endeavour to keep, as much as possible, within the terms of the Convention. Therefore, when recently revising the yearly list of Semsars sent to me by the Consul at Mogador, I called Mr. Payton's attention to the fact that his Interpreter was noted as the employer of two Semsars, being himself only protected subject through the rights of his father as Interpreter of the Consulate. I pointed out to Mr. Payton that the Madrid Convention clearly stipulated that protected subjects could not in their turn protect other natives, but on receiving an explanation that all the Interpreters of foreign Consulates were allowed by the Moorish authorities to have Semsars, I directed Mr. Payton, when he handed his list of protégés to the Governor of Mogador, to place a note against the names of the Interpreters' Semsars to the effect that they would be protected only so long as the Moorish Government tolerated the employment of protected Semsars by the Interpreters of other Consulates.

But with regard to the Semsar of Mr. S. Bensaude, a British naturalized subject, established at Oran in Algeria, I informed Mr. Consul Payton that I considered this Semsar, who is the father of his employer, should be removed from the list.

Mr. S. Bensaude is a native of Mogador who was naturalized in England and immediately afterwards availed himself of the opportunity to appoint his father his Semsar, probably for the purpose of securing for him British protection, whilst he himself has gone and established himself commercially at Oran in Algeria, where, probably also his British nationality exempts him from certain military obligations. Thus, Mr. S. Bensaude, who is now leaving the country where he obtained his naturalization is still enjoying the advantages of being a British subject.

He asserts that his father's position is a security to his business, and that he is doing a good business, but I do not think *bona fide* British subjects established in Morocco consider that it is an advantage to be placed in such a position. On the other hand, natives may be placed on a perfect footing of equality with themselves, thus remaining natives in matters of crooked ways of business and local knowledge.

I have the honour to submit herewith to your Lordship's consideration, copies of all the correspondence that has passed between Consul Payton, Mr. Bensaude, and myself on this question. I have directed Mr. Payton to continue to watch over the asserted interests of Mr. S. Bensaude at Mogador, which I believe are really those of his father, until your Lordship shall have informed me whether, because the French and other Governments extend to Moorish subjects who have been naturalized the enjoyment in Morocco of all the rights enjoyed by natural born subjects of their countries, I also must follow their example, though inquiry, by diminishing the advantage and honour of being a British subject, is thereby inflicted on the English natural born subjects established in this country.

Refusal to be guided by the proceedings of other foreign Governments would not, the need arising, deprive Her Majesty's Government of the privilege to claim in any specified case the right to exercise protection and jurisdiction, as permitted to others, over a Moorish subject naturalized in England.

I have, &c.
(Signed) W. KIRBY GREEN

Inclosure 1 in No. 36.

Mr. S. Bensaude to Sir W. K. Green.

Sir,

Oran, June 18, 1888.

THE purport of this is to request your Excellency to inform Her Britannic Majesty's Consul at Mogador to afford every assistance and facility to my agent, Mr. A. de J. Bensaude, he may require in the collection and recovery of accounts due to me at all places under his jurisdiction, as the house at Mogador in which Mr. Bensaude is my representative, is for my account and seal (*sc*) being at, and in which he has been so for a long time.

Mr. Payton will confirm same to his Excellency.

I remain, &c.
(Signed) S. BENSAUDE.

Inclosure 2 in No. 56.

Sir W. K. Green to Mr. S. Bensaude.

Tangier, June 21, 1888.
Sir, BEFORE acting on your letter of the 15th instant, it is necessary that I should be furnished with proof that you yourself are a British-born subject. I would also wish to know whether your commercial house in Oran is trading as a British or French firm.

I have, &c.
(Signed) W. KIRBY GREEN.

Inclosure 3 in No. 56.

Mr. S. Bensaude to Sir W. K. Green.

Oran, June 29, 1888.
Sir, IN accordance with his Excellency's request, re protection to my Mogador house, I beg to state that I am naturalized British subject since 1879, and my commercial house in Oran is trading as a British firm.
Awaiting his Excellency's favourable reply

I remain, &c.
(Signed) S. BENSAUDE

P.S.—The proof is, that I am registered at Her Majesty's Consulates both at Mogador and in here (sic).

S. H.

Inclosure 4 in No. 56.

Sir W. K. Green to Mr. S. Bensaude

Tangier, July 11, 1888.
Sir, WITH reference to your letter of the 29th ultimo, whereby you inform me that you are a naturalized British subject, I must inform you that I have no objection to Mr. Consul Payton's assistance, when necessary, Mr. A. de J. Bensaude in all matters connected with your commercial operations at Mogador. I, however, cannot issue a Semsar's or other certificate of British protection in favour of the said M. A. de J. Bensaude, as, strictly speaking, you yourself are not entitled to British protection in Morocco, the country of your birth.

I have, &c.
(Signed) W. KIRBY GREEN

Inclosure 5 in No. 56.

Mr. S. Bensaude to Sir W. K. Green.

Oran, July 20, 1888.
Sir, I AM in possession of your Excellency's favour of the 11th instant, and beg to thank for the contents therein, but must request his Excellency to grant Mr. A. de J. Bensaude, of Mogador, with a document naming him as my Semsar, or any other certificate of British protection, or else my business will greatly suffer.

If I am, as his Excellency said, to be protected personally in the country where I born [sic], my business must be protected, or else I shall lose all, and not only my means, but also the money of my English creditors with whom I am in business relation, and therefore must request kindly his Excellency to grant my request for the reasons above stated.

Awaiting the favour of his Excellency's reply.

I remain, &c.
(Signed) S. BENSAUDE.

Inclosure 6 in No. 56.

Sir W. K. Green to Consul Payton.

Tangier, July 11, 1888.
Sir, I BEG to transmit herewith for your information and guidance, the copy of a letter* addressed this day by me to Mr. Solomon Bensaude, of Oran, on the subject of his commercial interests at Mogador, and his desire that Mr. A. de J. Bensaude should be placed under British protection.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 57

Sir W. K. Green to the Marquis of Salisbury.—(Received August 8.)

(No. 97. Confidential.)

My Lord,

Tangier, July 28, 1888

I HAVE the honour to report to your Lordship that whilst I was calling this morning on Signor Cantagalli our conversation turned on matters in the Soos country, when my Italian colleague read to me from the Print of the Italian Foreign Office a translation of a letter dated the 22nd March last from the French Vice-Consul at Mogador to the Sherif Mulai Mohammed-ben-Husein, of Soos, which had been communicated by Count Benomar to Signor Launay at Berlin.

The letter appeared to me to be a reply to the one which the Sherif in question had addressed to the French Consul at Mogador on the 23rd February last (see Inclosure in No. 1 of North Africa Print, section No. 435).†

The French Vice-Consul in his communication calls upon the Sherif to keep the tribes quiet, as matters have been fully prepared at Tangier, whence orders are derived. "On the expected arrival of the Sultan at Tangier all will be decided."

I can hardly venture to interpret the meaning of the above, but I think it is quite possible that the French Consular Officer has merely desired to avoid giving any definite answer to the Sherif's expectations.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 58.

The Marquis of Salisbury to Sir W. K. Green

(No. 64.)

Sir,

Foreign Office, August 7, 1888.

I TRANSMIT to you, herewith, a copy of a letter which has been received from Messrs. Pyke and Minchin,† relative to a claim made by a Mr. Damonte with regard to property belonging to him at Mogador, and I have to request that you will furnish a Report on the subject.

I am, &c.
(Signed) SALISBURY.

No. 59

Foreign Office to Messrs. Pyke and Minchin.

Gentlemen,

Foreign Office, August 7, 1888

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 18th ultimo relative to Mr. Damonte's claim to property at Mogador, and I am to acquaint you that Her Majesty's Minister at Tangier has been instructed to furnish a Report on the subject.

I am, &c.
(Signed) JULIAN PAUNCEPOTE.

Admiralty to Foreign Office.—(Received August 9.)

(Confidential.)

Sir,

Admiralty, August 9, 1888.

WITH reference to your letter of the 3rd instant, forwarding an extract from a despatch from Her Majesty's Minister at Tangier respecting the desirability of a naval display on the occasion of the Sultan's visit to Tangier, I am commanded by my Lords Commissioners of the Admiralty to request that you will remind the Secretary of State for Foreign Affairs that Admiral His Royal Highness the Duke of Edinburgh, with the available ships of the Mediterranean squadron, is engaged in a cruise in the eastern waters of the station, the programme of which was inclosed in my letter of the 5th July.*

2. In the course of this cruise His Royal Highness has arranged to visit Constantinople between the 26th August and the 2nd September, and the Marquis of Salisbury will remember that in compliance with the special request contained in Foreign Office letter of the 26th July, 1888, His Royal Highness has been directed to postpone his visit to the Piræus, so as to arrive there not later than the 12th October, and remain over the 14th October, so as to be present at the commencement of the festivities to be held in celebration of the 25th anniversary of the accession of His Majesty the King of the Hellenes.

3. The squadron will consequently not return to Malta till towards the end of October, to relict after an absence of about three months, and in view of the above consideration it will not be possible for His Royal Highness to arrange for a visit to Tangier until after the conclusion of the present cruise. My Lords therefore request that you will represent to his Lordship that, as Her Majesty's Minister at Tangier does not name even an approximate date for the Sultan's visit, they find a difficulty in issuing any orders, or expressing an opinion as to whether the visit is feasible.

I am, &c.

(Signed) R. D. AWDRY.

No. 61

The Marquis of Salisbury to Mr J. G. Kennedy.†

(No. 163.)

Sir,

Foreign Office, August 9, 1888.

WITH reference to my despatch No. 145 of the 17th ultimo, I transmit to you herewith copy of a semi-official note which I have addressed to the Italian Chargé d'Affaires in this country on the subject of the proposed exchange of notes for placing on record the intentions of the British and Italian Governments with regard to the maintenance of the integrity of Morocco.

I am, &c.

(Signed) SALISBURY.

No. 62.

The Marquis of Salisbury to Sir W. K. Green.

(No. 87.)

Sir,

Foreign Office, August 10, 1888.

WITH reference to your despatch No. 36 of the 19th March last, I transmit herewith, for your information, copy of a despatch and its inclosures which I have received from Her Majesty's Consul at Tangier, relative to the case of the widow Attins and the action of the Spanish Consul in regard thereto, and have to request you to favour me with such observations as you may have to offer on the matter.

It has not been thought necessary to print the other inclosures, forty-three in number, in Mr. White's despatch.

I am, &c.

(Signed) SALISBURY.

* Not printed.
† No. 52.

† Also to Mr. Goshen, (No. 124) and Sir W. K. Green (No. 85).
See Part XVII, No. 56.

Acting Consul Carbonaro to the Marquis of Salisbury.—(Received August 11.)

(No. 16. Commercial.)

My Lord,

Tunis, August 8, 1888.

ACCORDING to Article IV of the Convention of 1863 between England and Tunis, all cases of litigation respecting immovable property, &c., between a British and a Tunisian subject, shall be referred for adjudication to the competent legal Tribunals, and the condemned party shall have the right to appeal to the Courts constituted for that purpose until the appeal shall have reached the *Mozha-el-Akha* ("Legislative Assembly"), and whatever decision might be given by the last Tribunal the authority of the condemned party shall carry it out.

The French Tribunal on several occasions considered the local as foreign Tribunals, and therefore their decisions could not be carried out before they were sanctioned by the President of the said French Tribunal, which was confirmed by the Court of Appeal at Algiers.

A Decree of the President of the French Republic, dated Paris, 17th July, 1888, inserted in the Tunis official journal of the 26th July, 1888, copy of which I have the honour to inclose herewith, revokes the authority of the French Tribunal to review the decision ("immatriculation") issued by the Mixed Tribunal, which is a Tribunal instituted by a Beylical Decree—that is, the Decree of the President of the French Republic authorizes the local authorities to carry out its decisions without the sanction of the French Tribunal, or, in other words, British subjects are submitted to the jurisdiction of the Bey, which is contrary to the Convention of 1863, as confirmed by the Treaty of 1875.

I have, &c.
(Signed) G. CARBONARO

Inclosure in No. 62*.

Extract from the "Journal Officiel Tunisien" of July 26, 1888

Rapport au Président de la République Française.

M le Président,

PARMI les réformes que le Bey, par la Convention du 8 Juin, 1883, conclue avec le Gouvernement de la République, s'est engagé à entreprendre dans la Régence de Tunis et qui sont aujourd'hui en voie d'exécution, celle qui a pour objet la constitution de la propriété foncière, peut être considérée comme présentant une importance particulière, tant au point de vue de nos compatriotes et des étrangers établis en Tunisie, qu'en ce qui concerne les indigènes eux-mêmes.

Cette réforme, accomplie depuis deux ans, suivant les vues du Gouvernement de la République, donne aux propriétaires de toute nationalité la faculté de placer leurs immeubles sis en Tunisie sous le régime d'une Loi spéciale et sous la juridiction des Tribunaux Français, à charge de les soumettre préalablement à l'immatriculation que prononce un Tribunal Mixte, composé de quatre Magistrats Français et trois indigènes.

Cette procédure, qui a l'avantage de donner toute sécurité à nos colons et de ménager à même temps les droits acquis et les usages des indigènes, a soulevé, dans son application, une question qui importe de ne pas laisser en suspens. On s'est demandé si les juridictions Françaises n'avaient pas le droit ou même le devoir de réviser et au besoin de modifier, quand ils leur seraient présentés, les titres de propriété foncière en suite de la décision du Tribunal Mixte. Le droit de réviser en suspendant l'effet de l'immatriculation, aurait pour conséquence de laisser subsister l'incertitude dans laquelle se trouve actuellement la propriété dans la Régence et que la nouvelle Loi immobilière avait précisément pour objet de faire cesser. Il entraînerait par conséquent, aussi bien en ce qui concerne l'intérêt des propriétaires qu'au point de vue de l'ordre public, les plus graves inconvénients.

Afin de prévenir toute possibilité d'un malentendu à ce sujet, nous avons pensé qu'il y avait lieu de préciser le caractère irrévocable, à l'égard de nos juridictions, des décisions du Tribunal Mixte. C'est pourquoi nous vous proposons d'user des pouvoirs qui vous ont été donnés en matière de réforme judiciaire dans la Régence par

L'Article 1^{er} de la Convention du 8 Juin, 1883, sanctionnée par la Loi du 9 Avril, 1884, pour déterminer d'une manière indiscutable la valeur des titres de propriété des immeubles immatriculés et les conditions dans lesquelles, d'un commun accord entre le Gouvernement du Bey, la compétence immobilière en Tunisie a été confiée aux Tribunaux Français.

Si vous voulez bien partager cette manière de voir, nous vous prions de revêtir de votre approbation le Décret joint au présent Rapport.

Nous vous prions d'agréer, &c.

Le Ministre des Affaires Étrangères,
(Signé) RENÉ GOBLET.

Le Garde des Sceaux,
Ministre de la Justice et des Cultes,
(Signé) J. FERROUILLAT.

Le Président de la République Française,
Sur le Rapport du Ministre des Affaires Étrangères, et du Garde des Sceaux,
Ministre de la Justice et des Cultes,
Vu la Loi du 27 Mars, 1883;
Vu la Loi du 9 Avril, 1884.

Décrets

Article 1^{er}. Les droits réels sur les immeubles immatriculés sont régis par les Lois Tunisiennes spécialement édictées pour cette catégorie d'immeubles, et les litiges y relatifs ressortiront aux juridictions Françaises dans la Régence.

Art. 2. Le titre dressé en suite de la décision du Tribunal Mixte prononçant l'immatriculation est définitif et inattaquable; il formera, devant les juridictions Françaises, le point de départ unique de la propriété et des droits réels qui l'affectent, à l'exclusion de tous autres droits non inscrits.

Les inscriptions portées ultérieurement sur ces titres feront foi devant les mêmes juridictions dans les limites fixées par les Lois qui régissent en Tunisie les immeubles immatriculés.

Art. 3. Le Ministre des Affaires Étrangères et le Garde des Sceaux, Ministre de la Justice et des Cultes, sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret.

Fait à Paris, le 17 Juillet, 1888.

(Signé) CARNOT.

Par le Président de la République.

Le Ministre des Affaires Étrangères,
(Signé) RENÉ GOBLET.

Le Garde des Sceaux,
Ministre de la Justice et des Cultes,
(Signé) J. FERROUILLAT.

No. 63.

Sir W. K. Green to the Marquis of Salisbury.—(Received August 13.)

(No. 98.)

My Lord,

Tangier, August 2, 1888.

IN compliance with the instructions contained in your Lordship's despatch No. 75 of the 21st ultimo, I have the honour to transmit herewith copies of a letter and a further Memorandum addressed to me by Mr. Consul White on the case of Messrs. Shuttleworth and Co. against Solomon Pariente.

Your Lordship will observe that Mr. Consul White distinctly states in his Memorandum, that M. Pariente delivered in his presence to Messrs. Shuttleworth and Co.'s agents his accounts, in accordance with the terms of the Arbitration Award.

I have, &c.

(Signed) W. KIRBY GREEN.

Inclosure 1 in No. 63.

Consul White to Sir W. K. Green.

Sir,

Tangier, July 31, 1888.

IN accordance with your request, I have the honour to transmit herewith a few observations on Messrs. Shuttleworth, Cox, and Co.'s letter of the 19th instant to the Marquis of Salisbury.

Copy of the Award and of all the other documents connected with this matter were annexed to my former Memorandum, and are in the possession of the Foreign Office. They are included in Print No. 22, North African Series, Section No. 406.*

I have, &c.

(Signed) HERBERT E. WHITE.

Inclosure 2 in No. 63.

Observations on Messrs. Shuttleworth, Cox, and Co.'s Letter to the Marquis of Salisbury, dated July 13, 1888.

MESSRS. SHUTTLEWORTH, COX, AND Co. are mistaken in stating that it was at my express wish that they referred their claim against M. Pariente to arbitration: the claim was referred to arbitration by mutual consent of the two parties on the advice of my predecessor in the Consulate.

The Award states distinctly that Solomon M. Pariente is not liable for the sum of 4447 16/6 claimed from him by Frederick Shuttleworth and Co., but proceeds to add that M. Pariente should furnish accounts, and should pay to Messrs. Frederick Shuttleworth and Co. two-thirds of the net profits, if any, and any balance proved to be in his hands.

The accounts were delivered at this Consulate, in my presence, to Messrs. Haussner and Joachimsohn, agents of Messrs. Frederick Shuttleworth and Co., and M. Pariente declared his readiness to produce vouchers, notes, &c., when the accounts should be gone into.

(Signed)

HERBERT E. WHITE.

Tangier, July 31, 1888.

No. 64.

The Marquis of Salisbury to Sir W. K. Green.

(No. 88.)

Sir,

Foreign Office, August 13, 1888.

I HAVE received your despatch No. 96 of the 27th instant, relative to a naturalized British subject named Bensade, and his claim to British protection in Morocco, and I have to state to you that I approve the action taken by you in the matter, as reported in your above-mentioned despatch.

I am, &c.

(Signed) SALISBURY.

* Vide Part XVI, No. 48.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 172. Confidential.)

Sir,

Foreign Office, August 17, 1888.

THE Italian Ambassador called upon me to-day principally to speak about the question of the Capitulations in Tunis. Italy had, he said, surrendered the point of Consular jurisdiction, but she was not disposed to give up the rest.

I stated the general policy of Her Majesty's Government on the subject, and referred his Excellency to what had been done in the case of Bosnia and Cyprus, and as to our own interests in Tunis.

His Excellency drew a distinction between the cases of Tunis and the other two, pointing out that the Government was still Mussulman, though to a great extent under French guidance, whereas the Governments in Cyprus and Bosnia were entirely Christian.

I admitted that there was this distinction, and that it might furnish ground for some compromise. I stated, however, that the matter was not one which we considered of capital importance, or which could interest this country; and I added that if I were an Italian, I should not consider it of sufficient importance to Italy to be insisted upon by the Italian Government.

His Excellency seemed to agree with me in this estimate, but said that public opinion in Italy would be much affected by the abolition of the Capitulations, although the most effective portion of them had been abandoned for some years.

Count Robilant then questioned me with respect to the rumours that prevailed as to the intentions of France to annex Tunis, and as to the course which England in such a case would pursue.

I replied that, from my conversations with M. Waddington, I understood that the French Government had no such intention, though he had admitted that a party in France were in favour of it.

I said that we should object to it very strongly, especially in view of the control it would give over the port and arsenal of Biserta; but I had little doubt that we should be willing to join the other Powers in a protest against it, which I thought would prevent France from proceeding with the idea.

His Excellency pressed me as to ulterior action.

I said that it must depend very much upon public opinion in this country; that it was too soon to bind ourselves hypothetically with respect to such a contingency.

His Excellency then asked me my opinion with regard to the designs for annexing Tripoli, which had been attributed to France.

I said that they had been energetically repudiated by M. Waddington, who spoke of such a policy as diametrically opposed to that which Frenchmen of all parties desired to follow; but I said that the French were apt to entertain similar suspicions of Italian designs.

His Excellency told me he was satisfied that there was no ground for such a suspicion, and had given an assurance to that effect to the Sultan; but he had informed His Imperial Majesty that Italy could not suffer that Tripoli should pass into the hands of any other Power whatever.

I observed that we, too, in view of the effect on the Suez Canal and in Egypt, should regard such an event as very grave indeed.

I am, &c.

(Signed) SALISBURY.

Sir W. K. Green to the Marquis of Salisbury.—(Received August 18.)

(No. 100.)

My Lord,

Tangier, August 11, 1888.

YESTERDAY my Italian colleague informed me that he had received a special courier from Fez from a trustworthy native source announcing to him that a detachment of the Sultan's troops had met with a reverse at the hands of the Berber tribe of Ait Sghoman.

In a letter received by me this afternoon from Kaid Maclean under date of Fez 5th August, he confirms to me the news in these words —

"Letters came to-day from the Sultan and were read in the Mosque, stating that His Shereefian Majesty had subdued the Beni 'Mgilid and the hill tribes, who had all paid up their taxes. The Sultan had appointed Kaid over them, and was about to move towards Mequinez to pass the feast, when the tribe called Ait Sghoman came into camp and 'mzoueged' (took sanctuary) and begged the Sultan would receive taxes from them and forgive them for not having come in before. The Sultan forgave them, and sent his uncle, Mulai Srur, with an armed party to camp amongst them to receive their taxes. Mulai Srur sent small detachments of ten men and a Kaid to the different Heads of the tribe, keeping only fifty or sixty men in his camp. The first night after he had broken up his detachment his camp was attacked by overwhelming numbers, and Mulai Srur and all in his camp murdered, and most of the small detachments of ten men and one Kaid received the same fate.

"When the Sultan heard of this he went with the whole camp to punish this tribe, which had, however, run away; but the Sultan destroyed all their houses and crops, and gives instructions to all the faithful to destroy and not spare any one of this godless tribe whenever and wherever they come across them."

This treacherous action may prove to be an unconcerted and isolated outburst, but it is also quite capable of encouraging the renewal of the resistance of the Beni 'Mgilid and other larger fractions of the Berber populations, whose submission, I am sorry to learn, has not been as complete as the Sultan's surroundings endeavour to depict, for communications between Mulai Hassan's camp and Fez and Mequinez can only be carried on by large bodies of well-armed men, and even these are frequently obliged to adopt circuitous routes to avoid passing through the heart of the Beni 'Mgilid and Zan districts.

I have, &c.

(Signed) W. KIRBY GREEN.

The Marquis of Salisbury to Mr. Egerton.

(No. 412 A.)

Sir,

Foreign Office, August 18, 1888.

THE French Ambassador called at the Foreign Office to-day and inquired what opinion we had expressed to the Italian Government with respect to the question of the Capitulations at Massowah and at Tunis.

I replied that as to Massowah I had stated to the Italian Ambassador, as I had stated to M. Waddington, that we conceived that in the case of territory administered by a Christian and civilized Power, the existence of the Capitulations could not be justified.

With respect to Tunis I had not expressed any opinion as to the legal justification of the present proposal of the French Government, but I had stated that, from an Italian point of view, I should not contest the abolition of the scanty remnant of the Capitulations which Italy had not as yet surrendered. I observed, however, that the Italians drew a distinction between the cases of Bosnia and Cyprus, which were administered by a Christian Power and that of Tunis, in which the governing Power was still in a large degree Mussulman. I had not advised them to press this view, as it was hardly in the interests of Italy to insist on the importance of the Government of Tunis being entirely Christian. It could only become so by the annexation of Tunis to France, a step to which Italy would be vehemently opposed, and to which, I added, England would have very strong objection also. M. Waddington immediately replied that France had no intention whatever of taking such a step.

I am, &c.

(Signed) SALISBURY.

Sir W. K. Green to the Marquis of Salisbury.—(Received August 20.)

(No. 69)
My Lord,

Tangier, August 10, 1888.

ON the 16th February last I received from the British subject, Moses Bensusan, who is a native of Gibraltar residing in Tangier, an application for an agent's certificate, to be issued in favour of Hadj Boazza-ben-Ahmed-el-Aunee.

These agents' certificates do not confer British protection on their holders, but are intended to secure from seizure or other molestation by the Moorish authorities the British property confided to their care. I beg to inclose herewith one of these certificates in blank, by which your Lordship will observe that Article IX of the Convention of Madrid, 1880, is printed on it both in English and Arabic, in order that there should be no attempt on any side to attach undue value to the document, or prevent the local authority from fulfilling its duty prior to taking action against a bearer of a certificate.

In reply to Mr. Moses Bensusan's application, I stated that I could not supply him with the required certificate for Hadj Boazza until he furnished me with proof that his (Bensusan's) creditors, who had recently been unable to obtain payment in the Consular Court of their claims on him, on the ground that the debtor was penniless, had since been paid or otherwise satisfied, for a person who could not pay his debts should not have commercial transactions or property to confide to third parties.

The inclosed copies of a letter from Mr. Bensusan and another from his wife explain how the husband had acted on behalf of the wife's interests.

After consultation with Mr. Consul White I felt that the certificate could not be withheld, though both Mr. White and I agreed that the wife was evidently playing into her husband's hands and that Hadj Boazza had probably been led by Bensusan to believe that he was acquiring by the issue of the certificate British protection.

On the 27th March I received a despatch (Inclosures Nos. 4 and 5) from Mr. Vice-Consul Redman, at Mazagan, reporting the imprisonment of Hadj Boazza by the Governor of the district of Aunee, without any preliminary notice having been given to Mr. Redman by the said authority.

Fearing that perhaps Hadj Boazza might have obtained the agent's certificate for the express purpose of avoiding the action of the local authorities in matters already pending between him and the authorities, I directed Mr. Vice-Consul Redman, by the despatch of which the inclosed is a copy, to make a careful inquiry into the whole question of the agent's prior intercourse both with his employer and the Governor of his district. But, before the Vice-Consul could answer me, an article appeared in the Tangier newspaper "*Al-Moghreb Al-Akbar*" of the 1st April, a translation of which is here furnished, giving such circumstantial details of the horrible treatment to which Hadj Boazza had been subjected by the Governor, that I had to write again (Inclosure No. 8) at once to Mr. Vice-Consul Redman, calling upon him for a further inquiry and Report based on the allegations contained in the newspaper article in question.

Inclosures Nos. 9, 10, 11, 12, and 13 are copies of Mr. Redman's replies and Reports to my foregoing inquiries, which, whilst strengthening my suspicions that Mr. and Mrs. Bensusan had lent themselves to Hadj Boazza's attempt to gain shelter in his intercourse with the Governor of his district, with whom he was on bad terms, unfortunately also confirmed in every particular the statements of the newspaper article as to the cruelties perpetrated on Hadj Boazza.

Mrs. Bensusan at the same time, hearing that her agent had been imprisoned and had had his property confiscated, attempted to lay the foundations of a claim for damages. I, however, as is shown by the correspondence, copies herein inclosed, promptly took steps to prevent the British subject from trafficking on the occurrences in question.

Yet, whilst carefully closing the door to an abuse of foreign protection of a Moorish subject, I now considered it opportune to address the note, of which the accompanying is a translation, to the Minister for Foreign Affairs, Cid Emfadel Gharneet.

In this note I pointed out to the Minister the impartial manner in which I had acted throughout, being mindful of the tendency of unscrupulous foreigners to encroach on the sovereign rights of the Sultan; therefore, I felt I could offer counsels with greater weight in an undoubted case of abuse of power on the part of a barbarous and injudicious Governor of a provincial district. I urged most strongly the immediate dismissal of this official, not only because he had shown his total disregard for Treaty

enactments, but also because his cruelty was of a nature to bring discredit upon the Maroccan Government.

From the dispatch of my note to the Moorish Minister up to the 7th May I continued to receive Reports from the Vice-Consul at Mazagan of the frequent torturing of Hadj Boazza, and the Tangier press was full of harrowing descriptions of the cruelties practised on the unfortunate man, so that, hearing nothing from the Sherrefian Court in reply to my representation, I deemed it advisable to address a second remonstrance to Cid Emfadel Gharneet, of which the inclosed is a translated extract. At the same time I inquired of Mr. Redman (Inclosure No. 20) whether it was true that Hadj Boazza's son and wife had taken refuge in the British Vice-Consulate.

The accompanying extracts from Reports by Mr. Vice-Consul Redman not only show that up to the present time my representations have apparently been disregarded, but further raise the belief that the Sultan has approved of the proceedings of the barbarous Kaid, on the ground that he had taken proper steps for discouraging intercourse between foreigners and natives.

I trust your Lordship will not find, by the foregoing statement and accompanying documents in support of it, that I have failed to adopt the proper course for at once and the same time covering the rights of the Moorish Government and giving due support to British interests, and also that your Lordship will not consider that the present submission of the matter to your Lordship's consideration is premature or hasty on my part.

Indeed, after perusal of the whole correspondence, inclusive of the notes and despatches which I herewith venture to add to the already voluminous inclosures of this despatch, I fear that your Lordship may censure me for having delayed so long in bringing to your Lordship's knowledge the extraordinary course which the Sultan's Government has adopted in matters connected with the necessary intercourse between British traders and natives. If this should be the case, might I be permitted to explain that, in view of an early assembling of the proposed Conference at Madrid to re-open anew the question of foreign protection of natives, I had thought a remedy might be devised generally for existing evils without the need of troubling your Lordship with special cases.

But the ever recurring delays with which the projected Conference meets have already tended to too much encourage the Moorish Government in its favourite tactics of silence, and to give to my forbearance an appearance of weakness. The Foreign Minister—I might safely couple with His Excellency the Sultan himself—probably believes that all my remonstrances have long ere this been referred to your Lordship, and have met with the same silence as has been accorded to them by the Maroccan Government.

I must add here that the system of ignoring remonstrances is not one specially adopted by the Moorish Government with me, but that it is of long growth, and that the whole question of the disregard of diplomatic representations has been coming forward for years, standing well back in the time of my predecessor.

Should your Lordship consider that I have not erred in my counsels to Cid Emfadel Gharneet, and that British interests have distinctly been overlooked by the Sultan's Ministers and authorities, I have every hope that direct orders from your Lordship to bring, in firm language, within the Sultan's perception, those facts would be sufficient to rouse up Mulai Hassan to a proper sense of his responsibilities. I have thought it proper to abstain from using language of such a nature until I have your Lordship's permission to do so, for should unfortunately His Sherrefian Majesty fail to perceive the gravity of it, there would then arise the need of using still more forcible language, which in the end must be listened to.

The whole of the foregoing Report had been prepared by me for dispatch to your Lordship in the first days of June last, when I received a verbal message from Cid Emfadel Gharneet, which I understood to convey a promise of a speedy and satisfactory issue of my representations concerning the Boazza case. I therefore gladly suspended my reference of it to your Lordship, but, in order to mark that I understood the Minister's message to refer to Boazza's case, I addressed his Excellency the note of which the inclosed is a translation, and stated that I should await for some little while longer the result of my representations to him.

I regret to say that my renewed forbearance, after so many weeks of expectation, has had no other result than the insertion in one of the local newspapers of a Report from Mazagan that Hadj Boazza has lately been treated with less severity by Kaid Emsadick, though he is still detained in prison, and Cid Emfadel Gharneet has persisted in his abstention of all acknowledgment of my representations. I must not, however, omit

to state that reports are now reaching me from the Vice-Consuls that, with the exception of the special cases treated in this despatch, measures have been taken, under orders from the Sultan, to terminate most of the other long-pending claims of British subjects.

May I request, in conclusion, should your Lordship authorize me to adopt the course suggested by me, that I should also be permitted to couple with my representations to the Sultan on the Boazza case, the matters which I had the honour of bringing under your Lordship's notice through my despatch No. 76 of the 7th August, 1887, and which, through having received no solution whatever, I think, have somewhat tended to make the Moorish Government believe that it may safely turn a deaf ear to complaints connected with the conduct of its provincial authorities, who consider themselves as beyond the influence of foreign contact.

I have, &c.
(Signed) W. KIRBY GREEN

Inclosure 1 in No. 68.

Certificate.

No. .
THE bearer, . is in the employ of the
British subject , of , as
in
Tangier, , 18 .

This document does not entitle the bearer to British protection, but it is required that Article IX of the Madrid Convention be duly observed.

ARTICLE IX.

Servants, farmers ("fermiers"), and other native employés of native Secretaries and Interpreters do not enjoy protection. It is the same for Maroquine employés or servants of foreign subjects.

Nevertheless, the local authorities may not arrest an employé or servant of a native functionary in the employ of a Legation or Consulate, or in the employ of a foreign subject or protected person, without having given previous notice to the protecting authority.

If a Maroquine subject in the service of a foreign subject should kill any person, wound him, or violate his domicile, he shall be immediately arrested, but notice thereof shall be given without delay to the Diplomatic or Consular authority under whom he is placed.

Inclosure 2 in No. 68.

Mr. Moses A. Bensusan to Sir W. K. Green.

Sir, Tangier, February 20, 1888.
IN reference to the audience that your Excellency did me the honour to give me on the 18th instant, I have the honour to inclose a letter from my wife, who, in her own independent interests, claims the certificate which I had inadvertently solicited in my own name on the 16th instant, begging your Excellency to consider my said letter null and void.

I have, &c.
(Signed) MOSES A. BENSUSAN.

Inclosure 3 in No. 68.

Mrs. Hola Bensusan to Sir W. K. Green.

Sir, Tangier, February 20, 1888.
I HAVE the honour to inform your Excellency that having some agricultural interests (cattle) in the hands of Sid Hadj Boazza ben-Ahmed Ducally, I delegated my husband, Mr. Moses Bensusan, to apply to your Excellency for a certificate in favour of Hadj Boazza.

As my husband had inadvertently made the application in his own name, and your Excellency refused to grant the certificate for reasons which I shall not here discuss, I beg respectfully to point out that my property, left by my late father for my benefit, has nothing whatever to do with my husband's business, and as your Excellency will perceive by referring to the notarial deed made out in my own name independently of my husband, our respective properties are perfectly distinct from each other, and, therefore, while declining any connection with my husband's liabilities, I have the honour to request at your Excellency's hands the certificate to which I am justly entitled. Should it be necessary to prove my statements for your Excellency's satisfaction, I have the honour to refer to my guardian, Mr. Moses Te. Nahon, my paternal uncle, or to the Chief Rabbi of Tangier, both of whom executed my late father's Will.

I have, &c.
(Signed) HOLA BENSUSAN

Inclosure 4 in No. 68.

Vice-Consul Redman to Sir W. K. Green

Sir, Mazagan, March 22, 1888.
I HAVE the honour now to report to you that a Moor named Hadj Boazza Lowene, the agent who is in charge of the interests of Mrs. Hola Bensusan of Tangier, and who is the bearer of your certificate to that effect, and who recently arrived here from Tangier, has been seized and imprisoned by the Kaid M'Sedduck Lowene, of the district to which he belongs, and I myself and family severely beaten and ill treated by the said Kaid and his people, notwithstanding I had, on the arrival here of the said Hadj Boazza and prior to his proceeding to his kabyla, advised the Kaid of his position, and also that he was the bearer of your certificate, and to which I received his reply "that he had noted same for his guidance" (copy of which I inclose herewith).

As this Kaid has acted in direct violation of the stipulations of the Convention of Madrid, Article IX, I have thought proper to report the matter to you, and at the same time to confirm what I wrote to you in my Consular despatch of the 13th instant concerning the conduct and actions in general that the Kaid of Duquella were now pursuing towards all those of their tribes who are any way connected with Europeans or protected Moorish subjects.

I have, &c.
(Signed) ALFRED REDMAN

Inclosure 5 in No. 68.

The Governor of Mazagan to Vice-Consul Redman

(Translation.)

PRAISE be to God. From the slave of his Lord, the officer of the Sherceffan dignity Mehmed-ben-Idris-el-Jerrari, may God make him prosper to our friend the merchant, Alfred Redman the English Consul at Mazagan. After salutation and inquiry after you: know that I have written on the matter of what you wrote (to me) to the Kaid-el-M'Sedduck el-Auni regarding Hadj Boazza-ben-Ahmed-el-Auni, and he has answered (see Inclosure 6), and I have to inform you of this. Friendship and peace.

The 29th Jumady II, 1305

L.S.)

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Kaid M'Seddak-el-Auni to the Governor of Mazagan.

Praise be to the one God, and may God give blessing to our Lord and Master, Muhamed, and to his family. Our friend, the most prized, the most worthy, the officer of our Lord (the Sultan), the most brave, the most favoured, the Kaid, the exalted Es-Sid-el Hadj-Mehmed-ben-Idris-el-Jerrari, may God preserve you and keep you, and peace be upon you, and the mercy of God, and His blessings by the bounty of our Lord (the Sultan), may God assist him and afterwards. Your most esteemed letter has reached me regarding Boazza ben-Ahmed-el Auni saying that he has in his possession animals belonging to a merchant at Tangier, and I have taken note of the fact. Perfect friendship and peace.

The 27th Jumady II, year 1305.

(Signed)

EL-MUSADDAK-BEN-MUBAREK
May God be gracious unto him

Inclosure 6 in No. 68

Sir W. K. Green to Vice-Consul Redman

Sir,

Tangier, March 27, 1888.

I BEG to acknowledge the receipt of your Consular despatch of the 22nd instant concerning the ill-treatment by the Kaid M'Seddak-el Auni of Hadj Boazza-el-Auni, bearer of an agent's certificate delivered by this Legation at the request of Mrs. Holsa Bensusan.

Before bringing the matter under the notice of the Moorish Minister for Foreign Affairs, I must request you to make a most careful inquiry into the whole matter. I wish to know what interests Mrs. Holsa Bensusan confided to the agent's care. How she became acquainted with him as being a person worthy of being so trusted. Whether she had had any business transactions with him before he came to Tangier to acquire the agent's certificate, and whether Hadj Boazza and Mrs. Holsa Bensusan did not happen to be entirely unacquainted with each other until the former's arrival in Tangier.

Further it is necessary that you should carefully ascertain what Mr. Hadj Boazza-el-Auni and the Kaid-el-Auni had not had differences before the Hadj obtained from me the agent's certificate. Though I am prepared to assist British subjects to the utmost in transacting their commercial operations in this country, still you will understand that it is both yours and my duty to prevent British influence from being used in a manner so as to interfere with the ordinary course of government by the local authorities.

If Hadj Boazza-el-Auni was engaged in any question or litigation with the Kaid of his district prior to the issue of my certificate, it will be sufficient for the Kaid to see that the Hadj restores to the British subject the property she may have confided to his keeping.

I am, &c.

(Signed) W. KIRBY GREEN.

Inclosure 7 in No. 68.

Extract from "Al-Moghreb Al-Akss" of April 1, 1888.

(Translation.)

THE MAROQUIN ADMINISTRATION IN PRESENCE OF THE CONFERENCE.—Is there any one still so simple as to yet believe that the Moroccan Government considers itself sincerely bound to moderate the administrative impetus of its functionaries, and to bring about the disappearance of the unnumberable obstacles which impede on every side the proper march of agriculturists, artisans, and traders?

Because if there is, just let him listen to the recital sent us by our Mazagan correspondent. It concerns the conduct of the Kaid towards the natives of their respective tribes, who are in some way or another connected or have intercourse with Europeans or their protégés.

For some time past the Legations at Tangier, out of marked friendly consideration and courtesy towards the Sultan, give no certificate of protection in favour of natives; however, not being able to pass over the well-founded and just prayers of their countrymen

to safeguard in some manner the interests which they (their countrymen) are under the necessity of placing in the hands of Maroquine subjects who are worthy of their confidence, the foreign Representatives, bearing in mind the Convention of 1880, have adopted the fair means of issuing certain certificates for commercial agents, which, whilst not giving the right of protection or withdrawing the native from under the Sultan's jurisdiction, give him the right of being respected by the Maroquine authorities, and oblige these latter, in conformity with Article IX of the mentioned Convention, not to arrest him without first having given notice to the Consular authorities to which belongs the foreigner or protected subject who had employed the native in whose name the certificate was made out. It is clear that if the agent commits some fault for which he ought to be punished, the foreign Representative may not oppose the infliction of condign punishment; but should it be solely a question of persecution, or of extorting money unjustly, to the injury of foreign interests confided to the agent, the Consular authority then is obliged to take up his defence, and endeavour to secure justice for him. Notwithstanding this, the Maroquine functionaries know of no better means of carrying out this international pact than by imprisoning the agents, thrashing them in the most cruel manner, and inflicting all kinds of insult on the agents, as well as on the Europeans who employ them.

This has happened and is happening to agents in the employ of nearly all the nationalities represented in Morocco; attacks have quite recently been perpetrated both on French agents and seminars, about which our readers have been repeatedly informed by us, the abuses to which certain Portuguese agents and protected subjects on the coast have been victims to are numerous. But it has been passing thus for a little time past with not a few agents and seminars of English subjects—a nationality which has always known how to have its rights respected in Morocco through the prestige of its diplomacy without need of recourse to naval demonstrations or any deed of force. It is fast becoming history. It is to be regretted that all these Powers, from a consideration of friendship towards the Sultan, and from the existence of a sentiment of dislike to oblige the weak to accomplish its duties under the pressure of force, should tolerate that assaults and attacks should be of a frequency really so lamentable, that one is forced to see the Government itself far from being ignorant of them creates them for the purpose of getting rid of protection, fully confiding in its interminable intrigues, and in that very weakness which the Moorish Ministers know so well how to avail themselves of for maintaining jealousy and dissension among the Powers which protect Morocco.

Let us illustrate our lamentable situation by a case in point from among those daily occurring and the authenticity of which, as touching the respectability of our informant, we can guarantee:—

A short time ago a Moor presented himself at Mazagan, provided with a certificate from the English Legation at Tangier, which constituted him agent of a British subject. When he arrived at the port he asked the Vice-Consul, Mr. Kirby Green, to issue him a certificate that he had entered into partnership with the said foreigner. This the Vice-Consul did, and the Moor proceeded to his tribal district, which is that of Lawenet, in Drah, where the aforesaid Kaid acknowledged the receipt, through the Governor of Mazagan, of the notice sent him. When the mentioned Moor presented himself to the Kaid the latter told him he might go to his village.

Shortly after his arrival at his house and whilst he was engaged in getting some measures of wheat out of one of his underground stores, he suddenly found himself surrounded by the Kaid's soldiers, who, after ill-treating him most cruelly, put a rope round his neck, and, as if he was a wild beast, they carried him off, dragging him along to the Kaid's house, not without having also beaten the wife and the sons of the unfortunate Moor, who had committed no other crime than that of having presented a certificate declaring him to be the agent of an European.

On his arrival before this most worthy authority, and by its orders, the poor fellow was divested of his clothing, so that he was left completely naked. He was made to go on all fours, a donkey's pack-saddle was placed on his back, a halter round his head, and a bit in his mouth, and, thus harnessed, he was made to march about by well-applied blows for the amusement of the Kaid and the fanatical crowd which had gathered around, and which greeted the unhappy being with the epithet of Christian dog, and such other infamous and low insults. And after this barbarous spectacle, which a child, 12 years of age, son of the victim, was forced to witness, father and son were loaded with chains and imprisoned in a filthy prison.

It is needless to comment on so barbarous an assault, which it is evident was only carried out for the sole reason that the Moor had presented himself before this most thick-headed authority with a certificate which gave him a right to the respect and con-

sideration which the Convention of Madrid requires from the Sultan's Government in favour of the agents and servants of foreign subjects. And as we do not see that there can be any way of justifying or extenuating an insult of such proportions, we trust that the worthy Envoy Extraordinary and Minister Plenipotentiary of Great Britain will exact from the Sultan's Government the condign punishment of the guilty, and the immediate liberation of and due compensation for the unfortunate prisoners, in order that a salutary example may be afforded, and that the respect due to a certificate given in the name of the English nation may not be forgotten.

What can we hope for from the rotten Conference which it is sought to bring together at Madrid, if, notwithstanding the unaccounted-of scandalous occurrences which we have been publishing for years, and which are officially known to all the Governments, no preliminary Agreement as to the matters which the Conference is to meet has yet been possible?

It is incredible that there should be found any among them (the Powers) which can pretend to wish to suppress force, protect in Morocco, and to trust simply to the good faith of the Government of this country for the guarantees and compensations which so important a reform necessarily calls for.

And that one may judge of what harmony prevails among the Saviours of the Moroccan Empire, let our readers peruse what is said on this topic by "La Opinion" of Madrid, the most important of Ministerial organs.

"Concerning the Morocco Conference, and impressions are to be gathered. It appears that England is beginning to make common cause with the United States, and even with France, against Spain, and this even against what was rightly expected. The hope still remains that Germany, Italy and Portugal may outweigh this overflow, and compensate that tendency. In any case, the problem is not so clear as was thought at first."

What, then, has there ever been a problem that was clear in Morocco?

England, the same as Germany, Italy, and Portugal, knows that she cannot abandon the interests of her subjects to the capacity of ignorant functionaries who it is impossible to conceive can exercise authority in any country which maintains commercial relations with civilized countries, and the Powers cannot share in the contemplations of those who are obstinately following a disastrous policy in Morocco. Before this can be, we hope they will listen to the fair and authorized opinion of trade, and, in consequence, act, without trusting in a collective action, waiting for which we are already tired.

Inclosure 8 in No. 68.

Sir W. K. Green to Vice-Consul Redman.

Sir,

Tangier, April 2, 1888.

I BEG to draw your attention to the description contained in the leading article of yesterday's issue of the "Al-Moghreb el-Akhsa" of the cruelties alleged to have been perpetrated by the Kaid Emseddack-el-Aunee on Hadj Boazza-el-Aunee.

As no detailed description of these cruelties was contained in your despatch, I would thank you to furnish me with a full report as to the correctness of the statements made in the Tangier newspaper, in order that I may decide what action should be taken in the matter.

I am, &c.
(Signed) W. KIRBY GREEN.

Inclosure 9 in No. 68.

Vice-Consul Redman to Sir W. K. Green.

Sir,

Mazagan, April 10, 1888.

I HAVE the honour to acknowledge the receipt of your Consular despatch of the 27th ultimo, with the inclosed Circular of the 26th ultimo, the former referring to the report I had made to you of the ill-treatment by the Kaid M'Seddack-el-Aunee of Hadj Boazza, bearer of an agent's certificate, and the latter in reference to the complaints that had been made to you by some Consular officers, that the Moorish authorities do not show sufficient consideration for the certificates issued by you in favour of Moorish

subjects who are employed as agents by British merchants, and of the steps you had taken by making a representation to this Government to put a stop to these proceedings on the part of the provincial Governors.

As regards the Moor, Hadj Boazza, the agent of Mrs. Hala Bensusan, I observe it is your wish that prior to taking any steps in the matter with this Government, that I should obtain for you the following information—

1. As to what interests Mrs. Hala Bensusan confided to the agent's care.
2. How she became acquainted with him as being a person worthy of being so trusted.

3. Whether she had any business transactions with him before he came to Tangier to acquire the agent's certificate.

4. Whether Hadj Boazza and Mrs. Hala Bensusan did not happen to be entirely unacquainted with each other until the former's arrival at Tangier.

5. As to whether Hadj Boazza and the Kaid-el-Aunee had differences before the former obtained from you the agent's certificate.

6. And that if Hadj Boazza had been engaged in any question or litigation with the Kaid of his district prior to the issue of your certificate.

In reply to these queries, I beg to inform you as regards No. 1, I am unable to furnish you with any information in this respect, as Mrs. Hala Bensusan resides at Tangier, and her agent, Boazza, will not furnish me with any details.

To those of Nos. 2, 3, and 4, I am informed that Hadj Boazza was totally unknown to, or had ever any transactions with, Mrs. Hala Bensusan, until he presented himself to her at Tangier, to acquire your certificate.

To Nos. 5 and 6, although Hadj Boazza has had no question or litigation with his Kaid prior to obtaining your certificate, he was on bad terms with him through having sought to associate himself with Europeans. Having, prior to his connection with Mrs. Hala Bensusan, been associated with other Europeans at Tangier, and who had withdrawn their interests from his hands after an inquiry of his character.

I have, &c.
(Signed) ALFRED REDMAN

Inclosure 10 in No. 68.

Vice-Consul Redman to Sir W. K. Green.

Sir,

Mazagan, April 12, 1888.

I HAVE the honour to acknowledge the receipt of your Consular despatch of the 2nd instart calling my attention to a leading article published in the "Al-Moghreb" newspaper of the cruelties alleged to have been perpetrated by the Kaid Emseddack-el-Aunee on Hadj Boazza-el-Aunee, and as I had not given you any detailed description of these cruelties in my despatch on the subject of the seizure and imprisonment of Hadj Boazza-el-Aunee by the Kaid Emseddack-el-Aunee, you are desirous that I should report to you fully as to the correctness of the statements made in the Tangier newspaper.

I have, therefore, now to inform your Excellency that I was not in possession of the details of the cruel and barbarous manner Hadj Boazza el-Aunee had been treated by his Kaid when writing to you on the subject of his imprisonment and which, as I am informed, entirely in accordance with the statement as published in the "Al-Moghreb el-Akhsa," the particulars and description of which having been communicated to me by those who were present at the Kaid Emseddack-el-Aunee's house when they occurred, and as evidence of which I now transmit to you herewith a declaration that has been given to me by a person who is a credible witness, the others being averse to furnish me with any documentary evidence through fear of the Kaid Emseddack-el-Aunee, being traders in his districts.

From what I am informed, it appears that Hadj Boazza is, since the foregoing cruelties have been perpetrated on him, being daily flogged and otherwise ill-treated by the Kaid, and it is evident that the latter is doing his utmost to strike terror in the eyes of his people by making an example of Hadj Boazza, to warn them not to have any connection or dealings with Europeans.

I beg to acquaint your Excellency that the Kaid Emseddack-el-Aunee had been formally informed by me, through the Governor of Mazagan, that Hadj Boazza was the agent of a British subject at Tangier, and that he was the holder of your certificate to

that effect, and to which the said Kaid replied that he had noted same, copy of which letter I have furnished you with, but, through an omission, I did not add also that of my letter to the Governor of Mazagan to advise the Kaid Emseddock-el-Aunee, copy of which I now inclose to you.

I have again to report to your Excellency on the conduct of the Kaida of Duguella generally, who are pursuing a system of persecution and interference towards the agents who are in charge of British interests and holders of your certificates by imprisoning them, and putting irons on them for the purpose of extorting money. Acts of this nature are daily coming under my notice, and for which I am unable to get any satisfaction from these officials, who appear to be acting under superior instructions.

I am, &c.

(Signed) ALFRED REDMAN.

Inclosure 11 in No. 68

Vice-Consul Redman to Sir W. K. Green.

(Private.)

Dear Sir William,

Mazagan, April 12, 1888.

I HAVE received your few lines of the 2nd instant to hand yesterday, by overland courier, with the inclosed letter for Cid Bubeke, and which I have this day forwarded on to him at Morocco.

By this occasion I am replying to your inquiries concerning the outrage that has been committed to the Moor, Hadj Boazza-el-Aunee by the Kaid Emseddock, and which I am sorry to say is perfectly true, and as described in the Tangier newspaper, and the poor man is still suffering the grossest indignities and punishment at the hands of this arrogant and cruel official.

The disrespect of the Kaida of the interior are [sic] now paying to the agents of British merchants, and who are bearers of your certificates, is becoming so notorious that I am pleased to hear that you have taken steps by a representation to this Government in the matter, as I verily believe that these provincial Governors of Duguella must be labouring under some misrepresentation of the instructions they may have received from the Court in this respect.

I am, &c.

(Signed) ALFRED REDMAN.

Inclosure 12 in No. 68

Declaration of Mr. Moses Rummy.

ON this day, the 10th April, 1888, appeared before me, John B. Ansado, Imperial German Vice-Consul at the port of Mazagan, Mr. Moses Rummy, who declares as follows:—

That he was present at the house of the Kaid M'Seddock-el-Aunee, in Duguella, when some Moors told him that the Kaid had sent his soldiers to seize Hadj Boazza-el-Aunee, and that they had found him occupied in taking some grain out of a "metamor" (underground granary), and had his horse fettered near it; and that the soldiers, by hiding themselves, had succeeded to loosen (sic) the horse, and on Hadj Boazza coming out of the "metamor," he was seized, beaten, and wounded with sticks and swords, and carried off to the Kaid at his house, who, although seeing the wounded state he was in, sent him to prison, and on the following day had him brought before him and severely flogged, and ordered him to be stripped of his clothes and when in a state of nudity, and in the presence of his son, a youth, a donkey's pack was put on his shoulders, and a bridle ("skima") put into his mouth, and he was dragged about in the presence of the Kaid and the public and made to swear that he was a Moor and not a Christian, and was then sent to prison with his son.

The Kaid then sent for the appearer, Mr. Moses Rummy, and asked him if he could read Christian writing, showing him a certificate which he said had been found on Hadj Boazza's person, and which he said, some one had given it to him, to deceive him (the Kaid), to which the appearer replied that it was written in Arabic. The Kaid then said: "I sent my soldiers to seize him, and as he resisted, I have flogged him."

I further declare that I am informed by my friends in the district of Al-Aunee,

that since Hadj Boazza has been again flogged by the Kaid M'Seddock, and is forced by him to work in a state of nudity, by carrying mortar on a pack that is placed on his shoulders.

In testimony of the truth of the foregoing, I hereby subscribe my name this day and date aforesaid.

(Signature in Hebrew character of Moses Rummy.)

I do hereby certify that the above signature in Hebrew characters has been done in my presence, and is in the true and proper handwriting of Mr. Moses Rummy, Interpreter of this Vice-Consulate, which I attest.

(L.S.) (Signed) JOHN B. ANSADO,
Imperial German Vice-Consul.

Mazagan, April 10, 1888.

Inclosure 13 in No. 68.

Vice-Consul Redman to the Governor of Mazagan.

(Translation)

PRAISE be to God. Our friend the most pious, the good, the Kaid-el-Hadj Es-Sid Mohamed-ben-Iddia-el-Jerrari, may God preserve you and keep you, peace be upon you, and the mercy of God and His blessings [and afterwards]. Do not fail to write to the Kaid-el-Aunee, and let him know that El-Hadj Boazza-ben-Ahmed-el-Aunee has in his possession animals belonging to an English merchant at Tangier, as also a paper from the British Minister, so that he may be mindful of this fact, and (may give me) an answer. Peace.

The 26th Jumady II, year 1305.

(In the hand of the English Consul the merchant).

(Signed) ALFRED REDMAN, British Vice-Consul
Mazagan, March 9, 1888.

Inclosure 14 in No. 68

Mr. J. A. H. Green to Mrs. Hala Bensusan.

Madam,

Tangier, April 18, 1888.

I AM directed by Her Majesty's Minister to acknowledge the receipt of your letter concerning the ill-treatment of your agent, Hadj Boazza-el-Aunee, and to state that apart from the question of his, Boazza's, ill-treatment, which has already been brought under his consideration, he wishes you to furnish him immediately with an exact statement, supported by documentary proofs, of the property and interests confided by you to the said Hadj Boazza-el-Aunee.

Sir William Kirby Green considers that you should be able to furnish him with the required statement at once.

I am, &c.

(Signed) JOHN A. KIRBY GREEN.

Inclosure 15 in No. 68.

Mrs. Hala Bensusan to Sir W. K. Green.

Sir,

Tangier, April 18, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of this date, wherein I am requested to furnish a statement of the property and interests confided to Hadj Boazza-el-Aunee.

The property I have in Hadj Boazza's hands consists of:—

	Value
60 sheep	120
2 cows	9
4 bullocks, for ploughing	120

Wheat, barley, and beans for seed given him by my agent at Mazagan (account not yet received), estimated at 120 dollars.

All of which are corroborated by the document which my husband will have the honour of producing before your Excellency.

Beside the above I claim the value of the crops, of which no estimate can be made at present, not knowing what this year's yield will be in Dukalla.

I am, &c.

(Signed) HOLA BENBUSAN

Inclosure 16 in No. 68.

Mr. J. A. K. Green to Mrs. HOLA BENBUSAN.

Mada.n,

Tangier April 20, 1888.

With reference to your letter of the 14th, received yesterday, Her Majesty's Minister directs me to request you to inform him from whom and when you purchased the 60 sheep, 2 cows, and 4 bullocks, which were consigned by you to the care of Hadj Bouzza el-Amei.

Her Majesty's Minister also wishes you to supply him with full particulars of the purchase by your agent at Mazagan, and delivery by him to the said Hadj Bouzza, of the securities mentioned in your letter.

I am, &c.

(Signed) JOHN A. KIRBY GREEN

Inclosure 17 in No. 68.

Mrs. HOLA BENBUSAN to Sir W. K. Green

Sir,

Tangier, April 22, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's letter dated the 20th instant, requesting me to state from whom and when I purchased the cattle consigned to Hadj Bouzza, and also to furnish particulars of the purchase and delivery of the seed by my agent at Mazagan.

In reply, I have the honour to state that my object in addressing your Excellency on the 17th instant was merely precautionary, and not with a view to make any claim until I know whether the property in my agent's hands has suffered or not, any premature step on my part being likely to make the poor man's position worse than it is. However, in order to satisfy your Excellency I have handed in the notarial deed proving Hadj Bouzza's acknowledgment, the preliminary papers of delivery having been destroyed at the time when the general document was made out.

As to the seed given by my agent at Mazagan I have written for the information, and shall furnish it, as well as any other proofs that may be legally necessary when the claim requires to be enforced, which it is not my desire that it should be at present.

I have, &c.

(Signed) HOLA BENBUSAN

Inclosure 18 in No. 68.

Sir W. K. Green to C. d. Embud Gharnet.

(Translation)

(After compliments.)

I HAVE recently been frequently and reluctantly compelled to address serious representations to your Excellency regarding the conduct of provincial Governors towards Moors who are charged with the interests of British subjects, or enter into commercial relations with them.

I am happy to think that His Shereefian Majesty has duly considered some of those representations, for I learn that an Imperial Commissioner has now arrived at Mazagan to inquire into the proceedings of the Kaous of Dukalla in such matters, and not to leave

Mazagan until he shall have made known the Sultan's determination that British interests and subjects shall be treated with consideration and justice.

Therefore, I feel certain that as soon as His Shereefian Majesty is put in possession of the following facts, he will immediately cause the Kaid M'Saddak-el-Ammi not merely to be reprimanded but to be removed from his official position, and to be otherwise severely punished. It is barbarous and unthinking men of the stamp of this Kaid who bring the Shereefian Government into disrepute and who by their heinous acts endanger the very existence of the Empire. Nothing but prompt action on the part of the Sultan can remove the disastrous impression produced on the public mind by the acts hereafter communicated of the Kaid M'Saddak-el-Ammi against the man Hadj Bouzza-el-Ammi.

This Hadj Bouzza el-Ammi came some weeks ago to Tangier, and after some trouble this Legation consented at the request of the British subject Mrs. HOLA BENBUSAN, to issue in his favour an agent's certificate, whereby it was made known that he, Bouzza, though he was in charge of British property and interests, was not entitled to British protection except for that property and those interests.

On his return to Mazagan, the fact of Bouzza having been engaged by Mrs. BENBUSAN as her agent was notified by the British Vice-consul under written communications both to the Governor of Mazagan and Kaid M'Saddak-el-Ammi. No sooner, however, did Bouzza reach his house than the Kaid M'Saddak-el-Ammi treated him in the manner set forth in the enclosed translation of legal testimony furnished by an eye witness to the German Vice Consul at Mazagan.

A rumour of the cruelties perpetrated by the Kaid reached me very quickly, but not wishing to act precipitately I deferred Mr. Redman, the British Vice Consul, to obtain correct information as to the facts and details of Bouzza and the nature of the interests consigned to his care by Mrs. BENBUSAN.

Mr. Redman replied that Bouzza did not enjoy a very good reputation but that nevertheless, the evil which had befallen him depended solely on the fact of his having had intercourse with Christians.

As I have already stated in the beginning of this letter, there can under the circumstances be but one solution of this terrible affair. However cowardly Bouzza may be, he has now merely suffered because he was the bearer of a few certificates, and his sufferings have been of a nature that no crime or wrongdoing could justify. If the Kaid M'Saddak-el-Ammi is not immediately punished and if these severe punishments of the wrong of the evil acts which have been committed by the Kaid and the help and assistance such barbarous acts as have been committed by the Kaid and the help would be a disaster for the Shereefian Government.

Peace

Dated April 18, 1888, corresponding to the 5th Shaaban 1305.

Signed

W. KIRBY GREEN

Inclosure 19 in No. 68.

Sir W. K. Green to C. d. Embud Gharnet

(Translation)

(Extract)

(After compliments.)

ON the 15th of the past month I had the honour of making a most serious representation to your Excellency regarding the conduct of provincial Governors towards Moors who have intercourse with British subjects. I endeavoured to explain to your Excellency that apart from the individual harm sustained by the British subjects, there was the far higher in its danger according to the Sultan's Government through the injudiciousness of the acts of His Shereefian Majesty's officials.

As Her Britannic Majesty's Minister in this country, I never lose sight of that important part of my duty, which necessitates my making every endeavour to strengthen the ties of friendship which have existed between the two Governments for so many years past. I therefore whenever incidents arise tending to create misapprehensions or irritation, immediately take steps to bring them to the knowledge of the Sultan through your Excellency, hoping that His Shereefian Majesty will at once take steps to make the offending officials comprehend the error of their ways.

Nevertheless, I regret to observe that though I am thus making every effort to shield the Maroccan Government from the evil effect that will ensue from the misconduct of ignorant Governors, I am apparently not well seconded in my endeavours.

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The delay that has taken place in answering my aforesaid note of the 18th ultimo leaves me under the painful belief that the Sultan is hesitating to relieve Kaid M'Saddak-el-Auni of his functions.

I had strongly advised his removal as the only remedy of which this unfortunate affair was susceptible. Delay in applying the remedy, after the complaint has reached the Sultan, can only add to the responsibility which weighs so heavily on the Moorish Government and myself. I, if I can obtain no redress very shortly to cover my share of the responsibility, shall be obliged, much against my will, to report the whole matter to Her Majesty's Government, which is certain to be most painfully impressed by the facts.

Should the Sultan have already acted on my advice, I have to earnestly beg your Excellency not to delay informing me of His Shereefian Majesty's decision, so that I may take speedy means of removing from the public mind of Europe, which has read in the newspapers of the barbarous acts of the Kaid in question, the evil impressions that have arisen as to the way this country is governed.

Inclosure 20 in No. 68.

Sir W. K. Green to Vice-Consul Redman

My dear Mr. Redman,

Tangier, May 7, 1888.

I SEE in yesterday's issue of "Al-Moghreb Al-Akss" an article entitled "Abuses," in which it is asserted that the wife and son of Hadj Boazza-el-Aunee have had to take refuge with you to escape from further cruelties at the hands of Kaid M'Sadduck-el-Aunee. Please keep me thoroughly posted on this matter.

I have nothing yet from the Court on this subject, and have to-day addressed Gharnet another note thereon.

Yours truly,
(Signed) W. KIRBY GREEN

Inclosure 21 in No. 68.

Vice-Consul Redman to Sir W. K. Green.

Dear Sir William,

Mazagan, May 12, 1888.

I HAVE received your letter of the 7th instant, calling my attention to an article that has been published in the "Al-Moghreb Al-Akss," under the head of "Abuses," concerning the wife and son of Hadj Boazza-el-Aunee, and requesting me to keep you advised of the particulars in this matter.

On the perusal of the article in the "Al-Moghreb Al-Akss" on this subject, I perceive that it is quite in accordance with what I had been informed of by the wife of Hadj Boazza-el-Aunee, as she lately applied to me and stated that she had been obliged to abandon her home in Lowenet and take refuge in the adjoining province of Wuled Fara, to avoid falling into the hands of the Kaid M'Seddock-el-Aunee, and to be submitted to a similar treatment as her husband and son were going through. She further told me that all their property had been taken possession of by the Kaid M'Seddock, cattle, grain, &c., as stated in the "Al-Moghreb Al-Akss" newspaper, and that Hadj Boazza had been flogged several times since the first cruel treatment was imposed upon him, and that with fetters on his legs and in a state of almost nudity, save a rag tied round his loins, he was daily made to carry mortar on his bare shoulders for the Kaid's building works; his son also, a youth, who is imprisoned with him, being subjected to a similar treatment, the Kaid's object being that by all these cruel and barbarous acts he was causing to Hadj Boazza, it should be an example for all those who might connect themselves with Europeans.

I can fully vouch for the truth of the foregoing, as it has been confirmed to me by the people of Lowenet, and who are eye-witnesses of all that has transpired in the matter. This cruel Kaid does not appear yet to be satisfied in all that he has done to this poor family, and in having confiscated all their effects, but he must be daily imposing a corporal punishment on those he has got in his clutches, and they will be fortunate if they are able to escape with their lives.

I shall be very glad to hear that your Excellency's application to the Sultan for the punishment of this Kaid will meet with success.

I am, &c.
(Signed) ALFRED REDMAN.

Inclosure 22 in No. 68.

Vice-Consul Redman to Sir W. K. Green.

(Extract.)

Mazagan, May 20, 1888.

SINCE I last reported to you about the Lowenet affair, a few days ago the wife of Hadj Boazza presented herself at Mazagan and slaughtered a sheep at my doorway before I could stop her. The poor woman being now homeless and in a fit of despair at the loss of both husband and son, who are still in the hands of the Kaid Emseddock, and of all of their property, thought that by this step I should the more plead her case of distress to your Excellency.

It is reported that the Kaid Emseddock has received a communication from the Court in the matter of the imprisonment of Hadj Boazza, and with orders not to liberate him from prison; and on the receipt of the foregoing all the property of Hadj Boazza which had been seized and deposited in the hands of his "cheick," has now been taken possession of by the Kaid himself, consisting of a horse, mule, camel, 4 bulks, 4 cows with young, 4 calves, 200 sheep, and all their grain from the metamours, and the green crops either pillaged or destroyed.

Inclosure 23 in No. 68.

Mr. C. Murdoch to Sir W. K. Green

Sir,

Gibraltar, December 31, 1887.

IN conformity with your wishes, I now place before your Excellency in writing what I endeavoured to convey when I had the honour of an interview with you a few days ago at Tangier.

It is the feeling on the coast, and I think justly founded, that the Governors of towns and provinces, especially the latter treat with perfect indifference any representations respecting British interests made by Consuls or Vice-Consuls, whereas claims of any nature whatever put forward by French, Spanish, Italian, or American officials obtain immediate attention and redress.

The rumour is current in Saffi that a country Governor, on his return from the Shereefian Court, ordered the people under his jurisdiction not to have any dealings with the English. He dare not have said Europeans (as no doubt he would have liked), for fear of the consequences; but as there are no merchants of any importance at Saffi, except British, the effect would be the same.

I am, &c.
(Signed) CHARLES MURDOCH.

Inclosure 24 in No. 68.

Sir W. K. Green to Cid Rifaat Gharnet

(Translation.)

(After compliments.)

I THINK it right, and what is required from a friend, that I should communicate hereto to your Excellency, for the purpose of being brought to the knowledge of the Sultan, the translation of a letter received by me from an English gentleman, who has recently been at the western ports of this Empire. Your Excellency will observe that this Englishman makes very serious charges as to the manner in which the Moorish authorities in the interior are now behaving towards the British Consular authorities, as well as towards all British subjects. I have thought it would not be friendly on my part to communicate this letter to Her Majesty's Government without first bringing it to the knowledge of the Sultan, for it might lead to serious consequences.

I have every hope that when the Sultan learns what is happening he will cause speedy steps to be taken to make the provincial Governors understand that they are acting injudiciously and in a manner highly calculated to prejudice their own country, that is to say, that they are risking the friendship of the Power which is desirous above all others to maintain the integrity of the Sultan's dominions and advance His Majesty's interests.

I also venture to bring under your Excellency's notice the report, which has become

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RECORD OFFICE, LONDON

commit acts of oppression against these Moorish subjects, and thus, by inspiring terror into others, prevent the possibility of any dealings between Englishmen and the inhabitants of their districts. This is not only against the spirit and letter of the Treaties, but it is utterly inconsistent with the friendship existing from of old between the two Governments, and which ought to be shared by their subjects. I hope His Shereefian Majesty will be pleased to make this fact known clearly to the Kaida and Khalifas of Ducalla before the immunity apparently enjoyed by the Khalifa of Oulad Ferj, in spite of his imprisonment of El-Hashfi Shtuki, has nerved his colleagues to continue in the course marked out by him.

I think I see in the conduct of these Governors and Khalifas a desire to forestall events. They are probably aware that His Shereefian Majesty is taking steps to bring about a revision of the Madrid Convention, and they think that they can act now as if that Convention had already ceased to exist. If so, no conduct could be more ill-advised, and less calculated to promote the object the Sultan has in view. I cannot refrain here from expressing my extreme surprise that the energetic representations and expostulations touching this very matter, which both my predecessor and Mr. White, who was in charge of the Legation pending my arrival, addressed to you after the imprisonment of El-Arbi-ben-el-Youani, should not have moved His Shereefian Majesty to take the most stringent measures to prevent the occurrence of the present state of things, of which we complain, and than which nothing can be more injurious to the true interests of this Empire.

Peace.

The 8th March, 1888, corresponding with the 25th Jumady II, 1305.

(Signed)

W. KIRBY GREEN.

Inclosure 26 in No. 68.

Circular addressed by Sir W. K. Green to Consular Officers in Morocco

Sir,

Tangier, March 26, 1888

I HAVE recently received repeated complaints from some of the British Consular officers that the Moorish provincial authorities do not show sufficient consideration for the certificates issued by me in favour of Moorish subjects, who are employed as agents by British merchants.

It appears to me that some misapprehension exists as to the rights covered by the certificates for agents, notwithstanding that the certificates bear on their back a transcript of the Article of the Convention of Madrid, stating the manner in which British interests are to be safeguarded.

Under these circumstances, I must recall to your mind that a native agent of a British subject cannot be personally protected, and that only consuls of British merchants become, whilst in the employment of the merchants, entitled to British protection in the fullest sense of the term. Therefore, when a Moorish authority gives due notice through the proper Consular officer that an agent of a British subject, for some valid cause, is required by the local administration or by the Moorish Government, the British subject is bound to withdraw from that agent's hands the interests which he may have confided to him.

I quite understand that, owing to the unfortunate system of administration of this country, provincial authorities may attempt to persecute natives because of their acceptance of the charge of British mercantile interests. In such cases, it will be necessary for you to obtain full particulars and evidence of the mala fides of the local authorities, and to refer each separate case to me, that I may obtain reparation at the hands of the Maroccan Government for the wrong done.

At the same time as I am forwarding these instructions to you I am also addressing a note to the Sultan's Minister, calling upon his Excellency to move His Majesty to send stringent orders to the provincial Governors to be careful in no instance to interfere with the legitimate intercourse of British merchants with natives, and to warn them that they will be held personally responsible for the remotest unjustifiable interference with the existing relations between merchants and their agents.

I am, &c.

(Signed)

W. KIRBY GREEN.

Inclosure 27 in No. 68.

Sir W. K. Green to Cid Emfadi Gharnet.

(Translation.)

(After compliments.)

ON the 9th January last, nearly three months ago, I had the honour of addressing your Excellency on the subject of the obstructions raised by provincial Governors to the intercourse between British merchants and natives. Your Excellency has, I regret to have to record, taken absolutely no notice of my note, and the result has been that I have received complaint upon complaint from the British Consular officers as to the manner in which the provincial Kaida are interfering with the freedom of trade, and persecuting all Moors who venture to be in commercial relations with British traders.

This is a very unfortunate state of things, not only for British interests, but also for those of the Sultan.

Your Excellency is aware that serious negotiations are in course between foreign Governments concerning the abuses which have crept in as to the protection of natives of Morocco. How can the Sultan hope to have the privileges of protection modified if his Kaida are giving daily proofs that they cannot be trusted with the even-handed administration of justice? These Kaida by their injudicious proceedings are bringing into disrepute the Government of the Sultan, and are placing insurmountable difficulties in the way of those who wish to establish on a regular and fair footing the jurisdiction of this country.

I therefore once more beg your Excellency to make known my representations to the Sultan, and to urge that His Majesty should send the strongest orders possible to the provincial Kaida not to interfere, except on valid grounds, with the commercial relations existing between Moors and British merchants. Now, no sooner is a Moor named commercial agent of a British subject than he becomes the butt of the Kaid's persecuting proceedings, and quickly finds his way into prison. The Sultan should severely punish the first Kaid who is proved to have acted in this wrongful manner against a Moor acting as agent of a British subject, otherwise serious complications are sure to arise.

Peace.

Dated the 26th March, corresponding to the 13th Rejeb, 1305.

(Signed)

W. KIRBY GREEN.

Inclosure 28 in No. 68.

Sir W. K. Green to Cid Emfadi Gharnet.

(Translation.)

(After compliments.)

Tangier, June 8, 1888

AT the commencement of this week M. Emilio Rey, the Portuguese Vice-Consul, on his return from the Shereefian Court, sent to inform me that your Excellency asked him to let me know that you had stated to him that very shortly the matter of the cruelties of Kaid M'Saddak-el-Aunee towards the agent of a British subject, brought to your Excellency's notice by my notes of the 6th Seiban (18th April) and 25th Seiban (7th May) would be satisfactorily settled. I was much pleased to receive this message from your Excellency, as I was on the point of dispatching a recital of the whole question to Her Majesty's Government. I have now suspended doing so for another fifteen days as I am always anxious to have proofs for my superiors that the Shereefian Government does its utmost to keep its authorities in the paths of right and justice. I trust, therefore, that M. Emilio Rey's message will be shortly confirmed by the receipt of your promised communication, and that my reference to Her Majesty's Government need not be sent forward.

As soon as the month of Ramadan expires, I shall send your Excellency a note which I have been instructed to address to the Shereefian Government on the unfortunate occurrences at Cape Juby. Her Majesty's Government has taken a most serious view of the matter, and I am ordered to use very firm and determined language thereon.

Peace.

(Signed)

W. KIRBY GREEN.

F.O. 463/62

RECORD OFFICE 100

Extract from the "Times" of August 20, 1888.

CONSULAR PROTECTION IN MOROCCO.—In a recent report to the Department of State, the American Consul at Tangier states that he has been able to recognize the system of Consular protection in Morocco, and to bring its operations within existing Treaties. On his arrival in Tangier last year he found 800 persons enjoying the protection of the United States, official or unofficial. The latter class was by far the larger. As an example, the Consul refers to a village near Tangier, the inhabitants of which refused to pay taxes on the ground that they were an American Colony. On reference to the Consulate, the Basia was informed that as the villagers, who numbered about 300, were employed as hunters in the bear hunts organized by the Consulate, they were exempt from taxation. Unofficial protection under the American Consulate has now been wholly abolished, and existing protégés are divided into three classes: 1. Natives employed in the Consulate; 2. Those protected on account of former services to the United States; 3. Agents and buyers for American citizens engaged in the wholesale import or export trade of Morocco. The protection of the first two classes is provided for in Treaties and Concessions, and is essential for the proper conduct of official business in a country where there is a total absence of law. The Consul mentions the case of an old Moor, who was occasionally employed, without protection in the Consulate, to copy Arabic official letters, and who preferred losing his situation to writing in the Consul's name to the Sultan anything affecting powerful Ministers of State. The Consul was at the moment complaining to the Sultan of the conduct of the Minister for Foreign Affairs.

In regard to the agents and buyers of American importers and exporters, the list of protégés fluctuates with the requirements of trade, and it is in regard to it that abuses are most rife. A Moor naturalized, by fraud or otherwise, in the United States, may return to Morocco, and for five years carry on a trade—it may be only with Gibraltar—and still claim protection for two agents in every port in Morocco. It is not unusual for the principal to be salaried by his own employé for the sake of securing protection. The Consul is quite clear, however, that without protection of some kind trade could not be carried on, because of the unbounded rapacity and irresponsible power of the native governors, "protection in this case is as much the protection of the Sultan against his own corrupt officials as of the foreign merchant." Two reforms, however, are suggested: the first, that certain taxes agreed to by the Powers should be paid to the Sultan by all foreign and protected subjects, and be collected by the Consuls, so that the public exchequer should not suffer; the second, that protection to native agents of American merchants should only be granted when they are engaged *bona fide* in carrying on trade between Morocco and the United States.

No. 70.

Foreign Office to Messrs. Shuttleworth, Cox, and Co.

Gentlemen.

THE Marquis of Salisbury communicated to Her Majesty's Minister at Tangier, for report, your further letter of the 19th ultimo, in regard to the case of yourselves & Pariente.

I am now directed by his Lordship to inform you that it appears from a Report addressed to Sir W. K. Green by Her Majesty's Consul at Tangier, that you are mistaken in stating that it was at the latter's express wish that you referred your claim against M. Pariente to arbitration, the claim having been referred to arbitration by mutual consent of both parties on the advice of Mr. White's predecessor.

The award states distinctly that Solomon M. Pariente is not liable for the sum of 444*l.* 1*0s.* 6*d.* claimed from him by Messrs. Frederick Shuttleworth and Co., but proceeds to add that M. Pariente should furnish accounts and should pay to Messrs. F. Shuttleworth and Co. two-thirds of the net profits, if any, and any balance proved to be in his hands.

The accounts, Mr. White states in his Report, were delivered at the Consulate in the presence of himself to your agents, Messrs. Haessner and Joachimsohn, and M. Pariente declared his readiness to produce vouchers, notes, &c., whenever the accounts should be examined.

• No. 63.

In these circumstances, I am to state that Lord Salisbury is unable to concur in your view, that the award is "null and void," or to find any grounds for his further intervention in the case.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 71.

(Nil.)

No. 72.

Sir W. K. Green to the Marquis of Salisbury.—(Received August 23.)

(No. 101 Confidential.)

My Lord,

Tangier, August 11, 1888.

FOR some time past the Tangier newspaper "Réveil du Maroc," which is believed to be under the influence of the French Legation here, has been publishing a series of leading articles on an alleged understanding between Her Majesty's Government and that of France on the policy which they are to pursue in this country.

The theme of these articles has been that England, having admitted the absolute need of giving Algeria a permanent frontier by allowing her to advance her borders up to the River Moulouya, and France, on her side, having conceded the greatness of British commercial interests in Morocco, the two Governments will join in pressing upon the Sultan's attention and obtaining from His Moroccan Majesty the establishment of his country on a basis which will enable it to take its proper position in the civilized world.

Fearing that these articles might be taken by my Spanish and Italian colleagues to have a more solid foundation than only the fertile imagination of the editor of the local paper, I gladly availed myself of opportunities which occurred to let both Señor Diosdado and Signor Cantagalli know that I held absolutely nothing from your Lordship which could give the slightest colour to the assertions of the "Réveil du Maroc." Indeed, I said to my colleagues, I thought questions of rectifications of statements concerning third parties were the last which Her Majesty's Government were ever likely to take the lead in raising.

In my conversation with Señor Diosdado he mentioned to me that he was in possession of positive information that the route by which the French troops would invade Morocco, should the opportunity of doing so ever arise, was already fully fixed upon. Thirty thousand men would enter Moorish territory near Ouchda, and by forced marches would, in two days, gain Taza, which is a town which commands the mountain pass used as a high road to Fez. From Taza another two or three days would place the French in Fez, whence they could dictate to the rest of the country.

The route in question is plentifully watered, and ample contributions of provisions can be drawn from it.

Signor Cantagalli has read to me a Report he has addressed to Signor Crispi, repeating to his Excellency my language regarding the articles in the "Réveil du Maroc."

I have, &c.
(Signed) W. KIRBY GREEN

No. 73.

Count Robilant to the Marquis of Salisbury.—(Received August 30.)

(Translation.)

My Lord.

20, Grosvenor Square, August 27, 1888.

HIS Majesty's Government has been informed that the Municipalities of Tunis and Suse have sanctioned and are levying the new taxes on foreigners.

These taxes fall almost exclusively on Italians and Maltese, who form the only really important foreign colonies in Tunis, and His Majesty's Government would therefore wish to know the opinion of Her Britannic Majesty's Government on the taxes in question, in view of making some communication in common to the Bey's Government, should there be occasion for so doing.

I shall be obliged if your Excellency would give me any information on the subject, and while offering my anticipated thanks therefor, I have, &c.

(Signed) C. ROBILANT.

Memorandum by Sir E. Hertslet as to the Jurisdiction of the Bey of Tunis in matters affecting Real Property belonging to British Subjects.

ACTING CONSUL CARBONARO forwards a Decree of the President of the French Republic revoking the authority of the French Tribunal to review the decisions of the Mixed Local Tribunals in cases affecting real property, in consequence of which revocation British subjects are in future to be submitted to the jurisdiction of the Bey, which he states is contrary to the Convention between Great Britain and Tunis of the 10th October, 1863.

Acting
Consul
Carbonaro,
No. 16,
Commercial,
August 3,
1888.
Treaty
No. 474

Article IV of that Convention is worded as follows:—

"IV. All cases of litigation respecting immovable property, and relating to the ownership or occupation of houses or lands, between a British and Tunisian subject, shall be referred for adjudication to the competent legal Tribunals, whose summons for the appearance of the British subject shall be transmitted through the British Consul-General, or, in his absence, through his deputy, in order that he or his deputy may be present at the trial. And the condemned party shall have the right to appeal to the Courts constituted for that purpose, until the appeal shall have reached the *Meglis Blakbar* (Legislative Assembly), and whatever decision might be given by the last Tribunal, the authority of the condemned party shall carry it out. But in cases where the dispute is between British subjects, it shall be optional for them, or either of them, to have their difference heard and determined by their Consul-General, or his deputy, whose decision, however, shall be governed by the laws and usages of the country, so far as they can be ascertained, and so far as the conditions expressed in the contract will permit."

The Convention of 1863 was confirmed by the Treaty of the 19th July, 1875, in the following words:—

Treaty
No. 500.

"Art. XLII. The stipulations of the present Convention shall come into immediate operation, and shall be substituted for the stipulations of all preceding Treaties between Great Britain and Tunis, with the exception of the Convention of the 10th October, 1863, already referred to in Article XVII preceding, which is renewed and confirmed."

That Article (XVII) declared it to be understood that "Manufactories and their appurtenances, being immovable property, should be subject to the Convention of the 10th October, 1863, relative to the permission granted to British subjects to hold real property in the Regency of Tunis."

On the 12th May, 1881, a Treaty was concluded between France and Tunis, by Article IV of which the French Government expressly guaranteed the execution of the Treaties then existing between the Government of the Regency and the different European Powers, and M. Barthélemy St. Hilaire, in his note to Lord Lyons of the 16th of the same month, repeated the assurances which he had given to his Excellency verbally, that all the then existing Conventions between Tunis and foreign Powers would be maintained and respected, and this assurance was taken note of by Her Majesty's Government in Lord Granville's despatch to the French Ambassador of the 20th May, 1881, in which it was stated that it would be regarded as an international engagement binding upon the French Government in the future.

Parliamentary
No. 2415,
p. 52
"Tunis"
No. 6
(1881).
Parliamentary
No. 2415
p. 45,
Ibid., p. 55.

The Law Officers have consequently expressed their opinion that, by the Treaty of 1881, the French Government are bound by all the Treaty obligations of the Bey.

Law Officers,
April 28,
1886
"Tunis"
No. 1
(1884).
Parliamentary
Paper
No. 2767

Count d'Aunay also informed Lord Granville on the 20th July, 1883, in answer to his Lordship's inquiry as to what was to be the state of the law as to immovable property, having regard to the vested interests of the then holders of land, and to the provisions of the Anglo-Tunisian Convention of the 10th October, 1863, and to Article IV of the Treaty between France and Tunis of the 12th May, 1881, that, as regarded the system of real property, and the application of the laws which related to it, no modification was made in the former system, the French Tribunals being simply substituted for the Consular Tribunals, and that no change was made in the conditions and forms of contracts, nor was there anything derogatory to acquired rights, or to the system established by the Convention of the 10th October, 1863.

On the 6th June, 1882, a Tunisian Decree was issued appointing two Commissions, one for assessing the value of house property in the several towns of the Regency, and the other for revising the assessment when it was objected to as excessive, and although Her Majesty's Government considered this to be of a retrograde character, they did not consider it to be opposed to actual Treaty stipulations, inasmuch as the

In Consul
Sandwith's
No. 17, De-
cember 14,
1887.

provisions applied to natives and to foreigners alike. On the 8th November, 1887, however, these two Commissions were, by another Decree, which was signed by the French Chargé d'Affaires, abolished, and it was then declared that the party who considered himself overcharged must submit his reclamation to the 'Juge de Paix,' who would give his decision, from which there was to be no appeal, on a simple statement, either in writing or orally, of the complainant.

The Italian Government protested against the Decree of the 8th November, 1887, as being contrary to their Protocol with France of the 25th January, 1881, and asked Her Majesty's Government to support their protest; but as it was considered that this Decree merely applied to the imposition of taxes on real property, to be paid by natives and foreigners alike, and as it was said to be in contemplation to make some change in the then existing Regulations regarding the holding by foreigners of real property in Tunis, Her Majesty's Government considered it would be premature to join in the protest of the Italian Government against the Decree of the 8th November, 1887.

On the 11th July, 1887, another Tunisian Decree was issued, making the conditions on which British, Italian, and French subjects held real property the same, and one of the conditions was that such property should be held subject to the Municipal Regulations of the Tunisian Government.

But by the Decree of the 17th July last British subjects are in future to be subjected to the jurisdiction of the Bey and Acting Consul, and it is pointed out that this change would be opposed to the stipulations of the Convention of the 10th October, 1863; and I concur in that view, for although Article III of that Convention says that every proprietor of houses, magazines, or other tenements shall conform to the Municipal Regulations, Article IV expressly states that "All cases of litigation respecting immovable property, and relating to the ownership or occupation of houses or lands, between a British and a Tunisian subject, shall be referred for adjudication to the competent legal tribunals; the condemned party shall have the right of appeal to the Courts constituted for that purpose in the appeal shall have reached the *Majlis Fakhar* (Legislative Assembly)," and that whatever decision is given by the said Tribunal the authority of the condemned party shall carry it out.

For the French Government, therefore, now to issue a Decree revoking the authority of the French Tribunal to review the decision of the Mixed Tribunal, and to authorize the local authorities to carry out its decisions without the sanction of the French Tribunal, or, in other words, without appeal, would, I think, be in direct violation of the engagement entered into by the Bey with this country by the Convention of the 10th October, 1863, and the validity of which has been formally recognized by the French Government.

On the 31st December, 1883, an Order in Council was passed for the exercise of British power and jurisdiction in Tunis after that date, and it provided for the cessation of British Consular jurisdiction in Tunis, but only in so far as regarded all matters and cases which came within the jurisdiction of the French Tribunal established in that Regency, and no alteration was made as to the treatment of immovable property as provided for by the Convention of the 10th October, 1863.

Perhaps, before taking any action on this matter, it may be thought advisable to ascertain the view of the Italian Government on the last French Decree.

(Signed) E. HERTSLET.

Tunbridge Wells, August 28, 1888.

To Mr. Ken
edy, No. 47
February 25,
1888.

Law Office,
Novem-
ber 21, 1887.
Parliament-
ary Paper
No. 2767
Tunis.
No.
(1884).
25
Law Officers.
May 12
1887 ditto.
August 24,
1887

Memorandum by Sir W. K. Green on the Property held at Kankush by Messrs Mansour Melhameh and Abraham Sescu — (Received at the Foreign Office, September 1)

(Most Confidential)

THE property held in partnership by M. Mansour Melhameh, a native of Beyrouth and Interpreter of the German Legation in Tangier, and M. Abraham Sescu, a native of Tangier and Interpreter of the Belgian Legation, is situated as described in Messrs. Pyke and Minchin's Memorandum addressed to Sir James Fergusson on the 21st July.

Until the title-deeds held by these persons are examined no estimate can be formed of the extent of their property, or whether they have any valid titles for any portion of it. The fact that they are officials of foreign Legations may render the Moorish Government loath to contest their titles as long as no attempt to sell the land is made.

The soil is doubtless fairly good, similar to that of much of the half reclaimed lands about Tangier. I do not, however, believe that Messrs Melhameh and Sescu derive any great income from their property. The asserted bay is an open beach, accessible to boats when other parts of the Moorish coast of the Straits are also open.

The Moorish Government has viewed with considerable jealousy the possession of this land by M. Mansour Melhameh, but, probably, only since it has become known that the German Government had obtained the land through the Interpreter of its Legation. I do not mean that these suspicions have a French or other foreign origin, but that the present owners have probably set them themselves afloat.

The Moorish Government has several times caused the property to be inspected, with a view to its redemption, but, most likely, the sum asked has been quite out of proportion to the real value of the land, for, evidently, the sum asked for the property, failed (see my despatch No. 83, Confidential, of the 21st June last).

M. Abraham Sescu is the alleged Belgian proprietor. I believe M. Sescu is so far a Belgian that he has been accorded Belgian naturalization on some plea connected with his services at the Belgian Legation here, and that he now figures as the sole proprietor through disclamation on the side of his partner to appear in a transaction the importance of which it is attempted to magnify under a specially prepared political lens.

Mr. Levy Cohen, the proprietor and editor of the Tangier newspaper "Le Réveil du Maroc," the reputed organ of French interests in Morocco, is evidently Messrs. Pyke and Minchin's client. Though he is so much a British subject, I venture to doubt not only his patriotism when his personal interests are in the way, but even his assertions that he has been able or has cared to obstruct a sale of the property to France or Spain.

There can be no question about the advantages which would accrue from the possession of a portion of Moorish coast on the Straits of Gibraltar, but such an Imperial possession cannot be obtained by purchase from Messrs Mansour Melhameh and Sescu. There are several properties on the Straits near Tangier already owned by Englishmen of a patriotism infinitely more certain than that of Mr. Levy Cohen, yet, however ready these Englishmen might be to freely bestow or devise their properties to the English nation, no right could be acquired thereby to transform the properties into British territories or forts. Whether Kankush is held by a Belgio-German partnership or is bought by the British or any other Government, it can only be held under Moorish titles and in accordance with Moorish laws. When the safety of the British Empire requires that a portion of the Moroccan coast on the Straits of Gibraltar shall belong to it no prior *à-la-carte* acquisition such as advocated in Messrs Pyke and Minchin's Memorandum would facilitate in the slightest degree what only open force can gain for it. A concession of the territory by the Sultan to the British Government I do not believe would facilitate matters for Spain, and other Powers would not be likely to tacitly accept it as an accomplished fact.

(Signed) W. KIRBY GREEN.

Tangier, August 21, 1888.

No. 76.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 1.)

(No. 103. Confidential.)

My Lord,

Tangier, August 22, 1888.

I HAVE the honour to report, for your Lordship's information, that Señor Diosdado has explained to me that certain rumours of the existence of misunderstandings between the Moorish authorities in the Reef district and those of the Spanish possessions on that coast were connected with recent representations made to him by the Sultan's orders concerning the use to which the possessions in question were being put to for the introduction therefrom of breech-loading rifles into Morocco.

Señor Diosdado though most desirous of meeting the Sultan's wishes, had, nevertheless, been obliged to warn the Spanish Government that no interference should be attempted by it with the trade in arms which was being carried on from the Spanish establishments on the Reef coast. The responsibility of preventing the introduction of arms into the Empire, Señor Diosdado considered, should be allowed to rest entirely with the Moorish authorities, otherwise the Rifians would gladly avail themselves of the excuse that the Spaniards were interfering with the freedom of their coast to commit acts of hostility against the Spanish possessions.

I understand that the Moorish Government believes that no less than 20,000 breech-loading rifles were recently passed into the Reef from the lines of Melilla.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 76.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 1.)

(No. 104. Confidential.)

My Lord,

Tangier, August 22, 1888.

REPORTS having circulated here that a Spanish Military Commission of considerable proportions was being organized at Ceuta for the purpose of proceeding to the Sultan's camp, I have the honour to inform your Lordship that Señor Diosdado has told me that the matter has no greater importance than the intention to transfer temporarily the Military Commission which is engaged on topographical work at Tetuan to Fez.

Señor Diosdado is personally opposed to the existence of this Commission, whose scientific work he considers does not counterbalance the irritation which it necessarily causes in native and other quarters. He has, so far, endeavoured to limit the dangers which accompany its constitution and mission by not allowing it to attempt work in any but districts under the most complete control of the Sultan's authorities. As Fez cannot be said not to be under perfect administrative control Señor Diosdado has been unable to object to the demand of the Chief of the Military Commission to be allowed to transfer his centre of work from Tetuan to Fez. Señor Diosdado availed himself, however, of the present opportunity to recommend at Madrid the abolition of the Military Commission.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 77.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 1.)

(No. 105. Confidential.)

My Lord,

Tangier, August 22, 1888.

WITH reference to the confidential communication to your Lordship's Department from the Admiralty of the 21st instant (No. 8, North Africa Port, Section No. 447),* I have the honour to explain to your Lordship that it is quite beyond my power to name even an approximate date for the Sultan's visit to Tangier, as His Shereefian Majesty's movements are entirely dependent on the progress of the

* See No. 60.

53

expeditions which he has thought proper to undertake against semi-independent Berber tribes prior to coming towards his northern coast.

I hope to be always able, should the Sultan's proposed visit here not be abandoned for this year, to give your Lordship at least three weeks' notice of the exact date at which His Majesty may be expected to arrive at Tangier.

The last news received from the Sultan's camp was that the rebel tribe of Ait Sghoman had been severely punished. In proof of this twenty-two heads, asserted to be those of rebels, had been sent for public exposure to Fez. Mulai Hassan, I believe, wishes this display to be sufficient to permit him to withdraw with unimpaired prestige from the disturbed districts, and it is expected that he and his army will therefore shortly return to the vicinity of Mequinez.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 78.

Consul White to the Marquis of Salisbury.—(Received September 1.)

(No. 11.)

My Lord,

Tangier, August 22, 1888.

IT is with great regret that I find myself compelled to trouble your Lordship with a matter indirectly connected with the subject of my despatch No. 7 of the 17th May, in which I transmitted to your Lordship a full report of the case of Attias v. Celia and others, in which I was of opinion that gross injustice had been done to the widow Attias by the Spanish Consul, M. Lozano.

In the present case the widow Attias is again plaintiff, whilst the defendant is a Spanish carpenter, named José Sanchez, who was the principal witness in the former case, and, as Gimol Attias asserts, an accomplice in the abduction of the boy.

I have exhausted every means of effecting a settlement of the case here, and finding that further communication on my part with M. Lozano was a mere waste of time, for he did not even answer my letters, I reported the matter to Sir W. Kirby Green, who laid the case before the Spanish Minister. M. Diosdado, however, informed Sir William Kirby Green that he has no jurisdiction in such matters. I then called on M. Diosdado, with whom I am on intimate terms, and requested him, privately to endeavour to persuade M. Lozano to cause Sanchez to pay the debt, which only amounts to about 50s., so as to avoid my having to refer the matter to your Lordship.

M. Diosdado subsequently informed me that he had seen M. Lozano, but had not been able to do anything. I therefore have no course left but to comply with the request contained in Gimol Attias' letter of the 9th instant, and report the matter to your Lordship.

I accordingly have the honour to inclose herewith a Memorandum containing full particulars of the case, which, as your Lordship will perceive, is very simple.

José Sanchez is indebted to Gimol Attias in the sum of 12½ dollars for rent. The debt is not disputed, but Sanchez declines to pay because he has a claim against another British subject, a certain Mrs. Leared (who is in no way connected with Gimol Attias), for 148 dollars.

This claim had been presented at this Consulate, and, as is customary here, I had endeavoured to effect an amicable settlement, but failed; for not only did Mrs. Leared deny the debt, but she maintained that Sanchez was indebted to her. Sanchez was then informed that he could proceed against Mrs. Leared in the Consular Court, first conforming himself to the requirements of the Morocco Order in Council of 1876. This, however, he declined to do, as he was unwilling to sign a document submitting to the jurisdiction of the Court, or to give security or make a deposit to meet costs.

A dead-lock is thus produced: Sanchez refuses to pay to Gimol Attias an admitted debt for house-rent until he recovers a disputed debt from a third party whilst, at the same time, he will not take the necessary steps to bring his disputed claim into Court.

The Spanish Consul, who on two occasions wrote to me that he had ordered Sanchez to pay the money, declines to enforce his order on the plea that Sanchez has not the means to pay the 12½ dollars, though he is a master carpenter in full work, and has sold various articles of furniture, &c., during the four and a-half months that this claim has been pending.

The real motive of M. Lozano's action is, however, as M. Dicedado informed me privately, his objection to the Order in Council of 1875. He wishes this Consulate to allow all Spaniards and there are several thousands of them here—to bring claims against British subjects, and plead *in forma pauperis*, and he is apparently endeavouring to force this Consulate to do so by denying justice to British subjects who may have recourse to his Consulate.

Though some discretion might perhaps be allowed the Consul to permit foreign plaintiffs to plead *in forma pauperis* on very exceptional occasions when they can show that they have a *prima facie* good case, and have given satisfactory proof of their inability to give security, yet I am of opinion that it would be very undesirable to relax the rule established by the said Order in Council, as British subjects would thus be exposed to constantly having false or vexatious claims brought against them by foreigners, who would have nothing to lose, and might gain something by bringing them forward.

In the present case, had the plaintiff been a British subject, I should not have felt justified in permitting him to sue *in forma pauperis*, for, as I have stated above, he is a master carpenter in full work, the very claim he was bringing forward being for balance of an account of 360 dollars, of which he had received 212 dollars, whilst he has had work for other people on hand at the same time.

The last case in which M. Lozano wished me to permit the plaintiff to sue *in forma pauperis* was that which Catalina de Celis wished to bring against Gimol Attias.

I have since been assured that Catalina de Celis had at the time a considerable sum of money lodged at the Gibraltar Savings Bank, but I have no means of verifying the exactitude of this assertion.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 1 in No. 78.

Memorandum

ON the 9th April the widow Gimol Attias, a British subject, informed me that the Spaniard José Sanchez, who rented a shop from her, was in arrears with his rent, and refused to pay or quit, though being a master carpenter in full work, he was in a position to pay the small sum due. Herself a poor woman, and having certain claims to meet, Gimol Attias begged me to lay her claim before the Spanish Consul, and request that Sanchez should pay the rent due, and quit the premises on the expiration of that month, as he had already received due notice. I should mention that the shop was let by the lunar month, as is usual here.

I accordingly addressed a letter on the same day to the Spanish Consul bringing the matter to his knowledge and requesting him to cause Sanchez to pay the rent, and to vacate the shop at the end of the month. Receiving no reply to this letter, and the lunar month having expired, whilst Sanchez still declined to pay the rent or vacate the premises, I wrote a further letter to M. Lozano on the subject on the 13th April.

On the 16th April the Spanish Consul replied that Sanchez had a claim against a certain Mrs. Leared, a British subject, for 118 dollars, balance of an account of 360 dollars, of which 212 dollars had been paid, and was waiting to receive this money so as to pay Gimol Attias therefrom.

On the following day I wrote again to M. Lozano and reminded him that Mrs. Leared had a counter-claim against Sanchez, who had been informed that he could bring the matter into Court whenever he wished, on conforming himself to the requirements of the Order in Council of 1875, and I urged that Sanchez was not entitled to decline to pay his rent to one British subject because he had a disputed claim on another British subject.

M. Lozano replied, in a letter dated the 19th April, that he had ordered Sanchez to pay at once, and to quit the house on the expiration of a month from that day.

Notwithstanding M. Lozano's order, however, Sanchez still refused to pay, telling Gimol Attias that he would not do so till he recovered the amount of his claim from Mrs. Leared. I accordingly again addressed myself to M. Lozano on the 26th April, and requested him to cause Sanchez to obey his order.

No reply was given to this letter, but I took one or two opportunities of speaking to M. Lozano on the subject, and begged him to cause Sanchez to pay the small sum

he owed, giving him notice that Sanchez had at that time a chest of drawers that he had made for sale, on which execution might be issued; nothing, however, was done, though I understood M. Lozano to say that the chest of drawers would be held as security for the debt.

On the 18th June, Gimol Attias having complained that though Sanchez had now vacated the premises he had not paid any of the rent due, which now amounted to 12 dol. 50 c., I addressed a further letter to the Spanish Consul on the subject, and again requested him to cause Sanchez to pay the money.

This letter, however, remained unanswered like the former one, and on the 26th June I wrote to him a third letter on the subject.

On the 30th June M. Lozano wrote that he had ordered Sanchez to pay the money within eight days, and he again put forward Sanchez' claim on Mrs. Leared.

I replied on the 2nd July that Sanchez should institute proceedings in the British Consular Court if he wished to prosecute his claim against Mrs. Leared.

The eight days having passed, and the Spaniard still refusing payment on the same pretext as before, I wrote once more to M. Lozano on the 9th July.

On the 16th July Sanchez called at this Consulate and asked to see me, when he again brought forward his claim against Mrs. Leared. I told him he could take out a summons as soon as he had given security to meet costs and signed a document submitting to jurisdiction of the Court. He then claimed to sue *in forma pauperis*, but this I refused to admit, as he is a master carpenter in full work. He stated he was unable to pay Gimol Attias, but I replied that I had heard he had sold articles of furniture, &c., that he had made, and that it was absurd to suppose that a man in his position could not have paid 12 dol. 50 c. during the last three and a-half months.

Since that time I have heard nothing further either from José Sanchez or from M. Lozano, but on the 9th August I received a letter from Gimol Attias, copy inclosed, requesting me to bring the case to the knowledge of the Secretary of State. This I have hitherto refrained from doing, as I had hoped to bring about a settlement through the Spanish Minister. It appears, however, that the Spanish Minister can take no action in the matter.

(Signed) HERBERT E. WHITE.

Tangier, August 22, 1888.

Inclosure 2 in No. 78.

Consul White to Señor Lozano.

Sir,

Tangier, April 9, 1888.

THE British subject Gimol Attias informs me that a Spaniard named José Sanchez occupies a shop belonging to her, and that he has not paid rent for last month (Adar), and on her giving him notice to quit at the end of the present month of Nizan he declined to do so.

I should be much obliged if you would kindly cause José Sanchez to pay the rent already due, and inform him that at the end of this month he must vacate the shop and pay the rent that will then be due.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 3 in No. 78.

Consul White to Señor Lozano.

Sir,

Tangier, April 18, 1888.

ON the 9th instant I had the honour to address you a letter regarding the claim of Gimol Attias against José Sanchez for rent and delivery of shop in his occupation.

The month of Nizan being now over, and José Sanchez having received, as Gimol Attias states, due notice to quit at the end of that month, Gimol Attias requests that the shop be delivered to her and that the rent for two months now due be paid.

Gimol Attias states that, on her mother this morning requesting José Sanchez to pay the rent and vacate the shop, he declined to do so, and used threatening language.

I will be much obliged if you will have the goodness to cause the Spanish subject to pay the rent and vacate the shop.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 4 in No. 78.

Señor Lozano to Consul White.

(Translation.)

Sir,

Spanish Consulate, Tangier, April 16, 1888.

THE Spanish carpenter José Sanchez, from whom, according to the letters from that (the British) Consulate of the 9th and 13th next, the Englishwoman, Gimol Attias, claims the rent of his carpenter's shop for the two last months, and that he then vacate the premises, has presented to me a note, of which I send you a copy herewith,* claiming from the British subject Mrs. Leared 148 dollars, balance of account for the carpenter's work which the said Sanchez has done as encharged by the said lady.

As he counts upon this sum to pay the above-mentioned debt, as well as some others which he has also contracted, I request you to be good enough to claim it from the said Mrs. Leared, for neither one nor the other has come to the private arrangement to which this Consulate tried to bring them.

May God preserve, &c.

(Signed)

FRCO. LOZANO.

Inclosure 5 in No. 78.

Consul White to Señor Lozano

Tangier, April 17, 1888.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday relative to the claim of Gimol Attias against José Sanchez, and of the latter against Mrs. Leared, in which you inform me that José Sanchez is counting upon the recovery of 148 dollars from Mrs. Leared to pay the rent due to Gimol Attias for his workshop.

You omit, however, to state what steps you have taken to cause José Sanchez to vacate the shop as requested by Gimol Attias in accordance with the notice given to him by her.

I shall be obliged by you kindly informing me when Gimol Attias can take possession of her shop.

With regard to the claim of Sanchez against Mrs. Leared, I must remind you that there is a counter-claim of Mrs. Leared against him, and that, finding an amicable arrangement improbable, I invited the Spanish subject to take proceedings against Mrs. Leared in this Consular Court in the usual manner.

I presume, however, that you do not consider that the payment of his admitted debt to Gimol Attias can be made dependent on his recovery of a disputed claim from Mrs. Leared, for Sanchez is, I understand, a carpenter in work, and consequently earning money and able to pay his rent, which takes precedence of all other debts.

I request you to have the goodness to reply, at your earliest convenience, as to the shop, as Gimol Attias must make her arrangements accordingly.

I have, &c.

(Signed)

HERBERT E. WHITE.

Inclosure 6 in No. 78.

Señor Lozano to Consul White.

(Translation.)

Sir,

Spanish Consulate, Tangier, April 19, 1888.

IN answer to your courteous communication of the 17th instant, I have to inform you that the Spanish carpenter José Sanchez has been notified that he must pay forthwith to Gimol Attias the rent for his carpenter's shop for the last two months, and that he must vacate the premises and deliver the keys to the proprietress in one month's time.

May God preserve, &c.

(Signed)

FRCO. LOZANO.

* The note is a bill for 360 dollars, of which 212 dollars had been paid by Mrs. Leared, leaving a balance of 148 dollars.—H. E. W.

Inclosure 7 in No. 78.

Consul White to Señor Lozano.

Tangier, April 19, 1888.

Sir,

I COMMUNICATED to Gimol Attias your letter of this date, and she thereupon called on José Sanchez and demanded the two months' rent, which you had been good enough to direct him to pay at once. She informs me that Sanchez replied that he declines to pay till he recovers from Mrs. Leared the amount of his claim against her.

I shall be much obliged if you would give the goodness to explain to Sanchez the illegality of the course he is pursuing, and to cause him to pay at once, as Gimol Attias has herself some debts to pay and stands in need of the money.

You state in your letter that you had directed Sanchez to vacate the workshop in a month's time, I presume you mean at the end of the present Jewish month, when he will have already illegally occupied the house for an extra month. Gimol Attias wishes to know for certain when the house will be restored to her, that she may make definite arrangements for letting it.

I have, &c.

(Signed)

HERBERT E. WHITE.

Inclosure 8 in No. 78.

Señor Lozano to Consul White

(Translation.)

Sir,

Spanish Consulate, Tangier, April 20, 1888.

THE time appointed for the Spaniard to vacate the premises of his carpenter's shop hired from Gimol Attias is one month, or, say, thirty days, to be reckoned from the date of the letter which I addressed you on the 19th instant, this is the answer to the letter of that Consulate of the same date.

May God preserve, &c.

(Signed)

FRCO. LOZANO.

Inclosure 9 in No. 78.

Consul White to Señor Lozano

Tangier, April 26, 1888.

Sir,

IN the letter which you did me the honour to address me on the 19th instant you informed that you had directed José Sanchez to pay at once to Gimol Attias the sum due for rent of the workshop in his occupation, but I regret to have to inform you that Sanchez still refuses to pay the rent, notwithstanding the order you were good enough to give him, and added that he would not pay anything till he recovered the sum he claims from Mrs. Leared.

As Gimol Attias is herself pressed to pay some debts, I trust you will have the goodness to cause Sanchez to pay her the money in obedience to your order.

I have, &c.

(Signed)

HERBERT E. WHITE.

Inclosure 10 in No. 78.

Consul White to Señor Lozano

Tangier, June 18, 1888.

Sir,

WITH reference to previous correspondence on the subject of the claim of Gimol Attias against Sanchez, I have the honour to inform you that though the latter has now vacated the house, after having occupied it longer than he was entitled to and against the wish of Gimol Attias, he has not yet paid any of the rent due, which now amounts to 12½ dollars.

As I have already stated to you on various occasions, Sanchez has been in a position to pay this sum, and his sole reason for refusing to pay is, as he himself informed Gimol Attias, that he has a claim against Mrs. Leared, which, however, he will not bring into Court as she has a counter-claim against him. Gimol Attias is thus kept out of her money, which she much needs to meet her own debts,

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notwithstanding the orders which in your letter of the 10th April you informed me you had given to Sanchez to pay at once.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 11 in No. 78

Consul White to Señor Lozano.

Tangier, June 26, 1888.

Sir,
ON the 18th instant I had the honour to address you a letter on the subject of the claim of Gimol Attias against José Sanchez for house-rent. I have not yet been favoured with a reply to this letter, nor has Gimol Attias received any payment from José Sanchez.

I should be much obliged if you could kindly inform me whether José Sanchez intends to obey the orders given him by you to pay the sum due, and, if not, what steps can be taken to enforce his obedience to that order.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 12 in No. 78

Señor Lozano to Consul White.

(Translation.)

Sir,
THE claim of Gimol Attias for payment of rent, to which your letter of the 20th instant refers, having been communicated by this Consulate to the Spaniard José Sanchez, it has been ordered that he take steps to meet the claim within eight days.

In his turn Sanchez again recalls his claim against the Englishwoman, Mrs. Leared, with which that (the British) Consulate is already acquainted.

May God preserve, &c.

(Signed) FRCO. LOZANO

Inclosure 13 in No. 78.

Consul White to Señor Lozano.

Tangier, July 2, 1888.

Sir,
IN reply to your letter of the 30th ultimo, I have the honour to repeat what I informed you in my letter of the 17th April, namely, that Mrs. Leared has a counter-claim against José Sanchez, and that my endeavours to effect an amicable settlement of the question between them have been unavailing, and that, therefore, Sanchez should institute proceedings in this Consular Court should he wish to prosecute his claim against Mrs. Leared.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 14 in No. 78.

Consul White to Señor Lozano.

Tangier, July 9, 1888.

Sir,
ON the 30th ultimo you were good enough to inform me that José Sanchez had again been ordered to pay the sum owing to Gimol Attias for house-rent, and that he had been allowed the term of eight days within which to make the payment.

Gimol Attias states that though the eight days are now past, Sanchez still refuses to pay the money, again putting forward his alleged claim against Mrs. Leared as a pretext for not paying.

I should be much obliged if you would kindly cause Sanchez to attend to the orders he has now on two occasions received from you, in order that this long-pending question may finally be settled; and I would suggest that it might perhaps save us a

good deal of future correspondence if you would cause Sanchez to pay the money into your Consulate, and remit it to me for delivery to Gimol Attias.

I have, &c.
(Signed) HERBERT E. WHITE.

Inclosure 15 in No. 78.

M. Attias to Consul White.

Tangier, le 9 Août, 1888.

M. le Consul,

IL y a quelques mois, j'ai eu l'honneur de vous adresser un Rapport relativement au procès que j'avais entamé pour violation de domicile, mauvais traitement et enlèvement de mineur, en vous priant d'en faire parvenir une copie au Gouvernement de Sa Majesté la Reine.

Victime aujourd'hui d'un autre déni de justice de la part du Consulat d'Espagne à propos du loyer que je réclame depuis plusieurs mois par votre intermédiaire d'un sujet Espagnol, et considérant que ce procédé n'est que la conséquence naturelle du silence gardé jusqu'à présent par le Gouvernement Britannique sur ma première réclamation, je viens vous dire qu'aujourd'hui, comme au premier moment, je maintiens intacts tous mes droits à la réparation qui m'est due, et j'estime que ma qualité de veuve et de mère de famille doit être, aux yeux du Gouvernement de Sa Majesté la Reine, son titre pour agir en ma faveur avec toute l'énergie que comportent la gravité de la question que je lui ai soumise et l'honneur du drapeau Britannique.

Je vous prie donc, M. le Consul, de faire une nouvelle démarche auprès du Gouvernement à ce sujet et de lui soumettre également le procédé dont le Consulat d'Espagne a usé à mon égard au sujet de ma réclamation contre le nommé José Sanchez.

A. GONZ. &c.
(Signed) G. ATTIAS.

No. 79.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 2.)

No. 8.)

(Telegraphic.)

Tangier, September 1, 1888.

SULTAN entered Mequines on the 27th ultimo. He is suffering from some kind of bowel complaint and extreme debility; however, great preparations are being made for the journey to Tangier, which will be undertaken shortly, provided His Majesty does not get worse.

No. 80.

Sir W. K. Green to the Marquis of Salisbury.—(Received by telegraph, September 3.)

(No. 110. Ext. 9.)

My Lord,

Tangier, September 3, 1888.

THROUGH a special courier received by me this evening from the Court at Mequines, I learn that the Sultan attended public prayers at midday on Friday, the 31st ultimo, and appears to have recovered from his recent severe indisposition.

Preparations for His Majesty's projected journey to Tangier continue to be pressed.

I have had the honour to telegraphing the substance of the foregoing information to your Lordship.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 81

Sir W. K. Green to the Marquis of Salisbury.—(Received September 4.)

(No. 9.)

(Telegraphic)

Tangier, September 3, 1888, 8.35 P.M.

LETTER of 31st just received reports to me that Sultan is much better and about. Preparations for journey to Tangier being pressed.

No. 82.

The Marquis of Salisbury to Sir W. K. Green

(No. 93.)

Sir,

Foreign Office, September 4, 1888

WITH reference to your despatch No. 101, Confidential, of the 14th ultimo, reporting your action in regard to certain articles which have appeared in the "Réveil du Maroc" on an alleged understanding between Her Majesty's Government and that of France as to the policy they are to pursue in Morocco, I have to state to you that your proceedings in the matter are approved by Her Majesty's Government.

I am, &c.

(Signed) SALISBURY.

No. 83.

The North-west African Company (Limited) to the Marquis of Salisbury.—(Received September 5.)

My Lord,

132, Cheapside, September 3, 1888.

I BEG to inclose herewith extracts from the diary of our station at Cape Juby, for your Lordship's information.

I am, &c.

(Signed) JOSEPH C. LEE, Chairman

Inclosure in No. 83.

Extracts from Diary of Station at Cape Juby.

July 13, 1888.—Report received that the soldiers are in great fear of our revenging Mr. Morris' death, and are not likely to come near the station for some time.

July 19.—A. Foyent arrived from Wadnoon this afternoon. He reports soldiers' fear of approaching station. Dakhman greatly annoyed to hear of Mr. Morris' death. Soldiers (murderers) to be executed. Territory claimed by Company to be conceded to them; this is said to be confirmed by Sultan.

August 5.—Baber Ahmed, whose tent is about 3 miles inland, was visited. Moors there too attentive to be pleasant. Baber Ahmed said (with other Chiefs who were there) that we should not be able to get any settled trade unless we had an assurance written, signed, and sealed by the Sultan, because the tribesmen will be afraid of the Sultan's troops being sent down to wage war with them. But, if we have an assurance from the Sultan to show them to the effect that the Sultan will not molest them for trading with the Christians, then they will be only too glad to bring their wool to us.

No. 84.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 6.)

(No. 106. Confidential.)

My Lord,

Tangier, August 30, 1888.

AS I understand that news has been published during the last few days in the European press of the Sultan having been surrounded by rebel tribes, and of Morocco

being in a state of anarchy, I have the honour to transmit herewith, for your Lordship's information, an extract from a letter received by me to-day from Kaid Maclean, by which your Lordship will observe that Mulai Hassan may be considered to be in perfect safety, as he has returned to the neighbourhood of Mequines, and still contemplates visiting Tangier in the course of the autumn.

I have thought that the rather copious extract from Kaid Maclean's letter, which is written to me in the greatest confidence, should not be withheld from your Lordship, as it also furnishes information which at once gives a clear insight of how the unfortunate people of this country are governed, and of the true standing of the Sultan of Morocco.

I have, &c.

(Signed) W. KIRBY GREEN.

Inclosure in No. 84.

Kaid Maclean to Sir W. K. Green

(Extract.)

Mequines, August 25, 1888.

ONE of my men has returned from camp, but has brought no letters.

The Sultan is five hours from here, and is expected to enter town on Monday (27th). They say in camp he will not leave this for the coast until after the Ashur feast, which means he will be here for over three weeks.

My man tells me the following—

The Ait Sghoman tribe came to the camp and offered to pay up their taxes. The Sultan sent his uncle, a man over 70, with 200 mounted men to collect the taxes. These 200 men were detailed from all the different regiments, and were all officers or non-commissioned officers. The first two or three days they were treated awfully well, getting tea, sugar, and everything every day, until one night when they were all attacked and 85 of the 200 killed, together with the Sultan's uncle. The rest got away, but all without their horses or anything. A number of these, too, were wounded. My man says the Sultan is in a dreadful way, and did not change his clothes from the day he heard of the affair until the day of the feast. His Majesty, my man adds, was very dirty, all over grease, &c. The uncle of the Sultan's uncle was found in a "dowar" (village) of a tribe which had not run away and had paid up their taxes. Directly the Sultan heard of it he ordered the tribe to be attacked and made prisoners. From what my man says it was a disgraceful attack, as the poor fellows offered no resistance, and were just murdered together with a number of their women and children. The troops were simply mad and did not know what they did. This massacre, continued the reciter, has appeased His Sheressian Majesty. He feels better, and has put on new clothes.

The Sultan was afraid some of the hill men in the camp would take it into their heads to put the French officers if they went about in European clothes, so gave them all Moorish saddles and clothes, asking them to wear the clothes until the camp got away from the hills, and the Frenchmen have done so.

I forgot to tell you that the tribe of Ait Sghoman is a small tribe of about 2,000 men. They got clean away with their flocks, cattle, and everything, which would not have been possible if the Sultan had sent out a party after them directly the news of their treachery reached camp.

The Sultan has sold their country to another tribe, and a relation of Suleiman, the fellow who gave the French such a lot of trouble, has undertaken to follow them up and bring them or their heads to the Sultan. I wish he may catch them.

The Sultan has given up the idea of going to Azimour this year, but is going straight to Larache and Tangier. A quantity of rifles (5,000) have arrived from Morocco. These were sent for when His Sheressian Majesty thought he was going to Azimour.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 10.)

(No. 107. Ext. 8.)

My Lord,

Tangier, September 1, 1888.

I HAVE the honour to report, for your Lordship's information, that in a letter received by me to-day from Kaid Maclean, he thus communicates to me Mulai Hassan's entry into Mequinez on the 27th ultimo—

"The Sultan arrived to-day at 7-40 A.M. His Shereefian Majesty is looking very unwell, and is ill with some bowel complaint. The day before yesterday he saw the French doctor, who gave him some medicine. The doctor told me he is suffering from great debility. During the last three days the Sultan has travelled in a palanquin. To-day he came in it until he got close to town, when he mounted a white horse and rode in. Should his sickness become serious I will let you know at once.

"Great preparations are going for the march to Targier, so, if the Sultan gets all right, we shall soon be off."

I have had the honour of telegraphing the substance of the above to your Lordship.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 86.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 10.)

(No. 108. Confidential.)

My Lord,

Tangier, September 1, 1888.

I VENTURE to transmit herewith, for your Lordship's information, another extract from a further letter received by me from Kaid Maclean on the subject of the action taken by the Sultan against the Ait Sghoman and a kindred tribe which was believed to have harboured some of the former clansmen after they had perpetrated the massacre of Mulai S'rur and his followers.

Kaid Maclean is evidently disposed to place more confidence on the recital he has himself heard from the Sultan's surroundings of the treatment of the Ait Sghoman than on that gathered by his man. I consider that both accounts may be true, especially as Mulai Hassan would most likely deem it politic to make reparation whilst still in the Berber districts if he had ascertained that his orders of punishment had been too severely carried out.

I have, &c.
(Signed) W. KIRBY GREEN

Inclosure in No. 86.

Kaid Maclean to Sir W. K. Green.

(Extract)

Mequinez, August 27, 1888.

I AM glad to tell you that the Sultan has treated the prisoners from Ait Sghoman very well indeed, feeding them very well and keeping them under shade. The stories I heard about the women are not half true. All the women and children who were made prisoners were released and given clothes by the Sultan.

After the massacre of the Sultan's uncle Mulai S'rur and his escort, a large expedition, consisting of soldiers, cavalry, and some mountain-guns, were sent after Ait Sghoman, under the command of the Commander-in-chief, but, being totally unprovided with rations, after marching eighteen hours, two days, they came up with the rebels, who had "emzauged" (taken sanctuary) with a tribe on the other side of Wad-el-Abed. This tribe refused to give up the Ait Sghoman, and said if the Sultan's men advanced they would all join against them. The troops were nearly dead from hunger and fatigue, and the horses were without forage, so the Commander-in-chief ordered a retreat. On his return to camp he told the Sultan that the tribes in front had seized all the cattle, &c., of the Ait Sghoman, leaving them nothing

Sir W. K. Green to the Marquis of Salisbury.—(Received September 10.)

(No. 109.)

My Lord,

Tangier, September 3, 1888.

I HAVE the honour to report, for your Lordship's information, that about the middle of last month a conflict arose at the port of Larache between some of the Mahomedan population of that place and the crews of two Portuguese fishing-boats, through the asserted inconsiderate manner of an attempt on the part of the Moorish Captain of the Port to enforce an order which he had issued concerning the anchorage to be taken up by the said boats.

The Moors are said to have attacked and stoned the crews when on shore, and to have even pursued them and continued the attack when they swam off to their boats, under the protection of the flags of which the seamen hoped to be safe.

The Portuguese corvette "La Reinha de Portugal" was sent shortly after the occurrence both to Tangier and Larache, but, finding quiet restored at the latter place, she has now been replaced here by the gun-boat "Bongo," which, I understand, awaits the issue of the demand for reparation to the Portuguese flag and compensation for the injured seamen from the Moorish Government put forward by M. Cclago, the Portuguese Minister.

Cid-el-Hadj Mohamed Torres states that, after due inquiry has been made into the occurrence complained of, the Sultan will not fail to give all the satisfaction which the case may require should the conduct of the Shereefian officials and natives of Larache have been as is alleged by the complainants.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 88.

Count Robilant to the Marquis of Salisbury.—(Received September 11.)

Signor Marchese,

20, Grosvenor Square, 10 Settembre, 1888.

CON suo telegramma d'ieri sua Eccellenza Signor Crispi mi prega di fargli conoscere se, in occasione del prossimo arrivo a Tangeri, ai primi di Ottobre, del Sultano del Marocco, il Governo Britannico intende mandare colà, in segno di onoranza, una nave da guerra.

Ho l'onore di rivolgermi alla cortesia dell'Eccellenza vostra, cui sarò grato se vorrà mettermi in grado di soddisfare, con qualche sollecitudine, a quella richiesta del Governo del Re.

Nell'offrirle i miei anticipati ringraziamenti, colgo l'incontro per ripeterle gli atti della più alta considerazione, &c.

(Firmato) C. ROBILANT.

No. 89

Sir W. K. Green to the Marquis of Salisbury.—(Received September 13.)

(No. 111. Confidential.)

My Lord,

Tangier, September 4, 1888.

WITH reference to my Memorandum of the 21st ultimo,* I have the honour to report to your Lordship that I learn that active inquiries are being made here by the French Legation as to whether Mr. Mansour Melhameh's and Mr. Abraham Siesu's property at Kankoush has been purchased by Her Majesty's Government.

I presume that Mr. Levy Cohen and Mr. Abraham Siesu have found it advisable to assert that the property has thus been disposed of in order to insure its speedy sale in quarters prone to take alarm without too close a regard for facts.

Mr. Abraham Siesu recently made inquiries of me, in an indirect manner, to ascertain whether I had been communicated to by your Lordship regarding the purchase of the Kankoush property. I trust my questioner left me with no other

* See No. 74 (Inclosure in Sir W. Green's No. 102, Most Confidential, of August 21, 1888)

impression than that I consider Messrs. Melhamah and Sien ought to be incapable of attempting to dispose of their property under false pretences.

I have, &c.
(Signed) W. KIRBY GREEN

No. 90

Sir W. K. Green to the Marquis of Salisbury.—(Received September 13.)

(No. 112. Confidential.)

My Lord,

Tangier, September 4, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 87 of the 10th ultimo, directing me to furnish your Lordship with such observations as I may have to offer with regard to the case of the widow Attias v. Celis, tried in the Spanish Consular Court here, and concerning the conduct of which by the Spanish Consul Mr. Consul White has addressed your Lordship a complaint.

Owing to your Lordship having called upon me to report on the incidents which gave rise to the suit in question by the British subject in the Spanish Consulate, I was careful to keep myself informed of what was passing in the matter, and I am, therefore, able to fully corroborate Mr. White's account of the whole case given in his Memorandum transmitted to your Lordship in his despatch No. 7, Consular, of the 17th May last.

Indeed, the circumsppection shown by the plaintiff, Mr. White, and M. de Vismes de Ponthieu, under most provocative circumstances from a Court which, from the first, had cast aside all attempts to disguise its partiality, was most praiseworthy, and marked their desire to conform themselves to the utmost with the asserted exigencies of Spanish procedure and laws.

There can be no doubt, I believe, that in the whole matter the Spanish Consul was the principal actor. He evidently compassed the forcible withdrawal of the boy Guillermo de Celis from the custody of the widow Attias, he refused to entertain the widow's complaint until he had extorted a deposit of 100 dollars from her, not because the Spanish but because the English law requires such a deposit in civil suits, thus arbitrarily establishing a system of reciprocity. He then declared the withdrawal of the boy not to have been a forcible one, and finally fixed the expenses in the case so as to swallow up the exact amount of the widow's deposit.

Not satisfied with having thus marked the manner in which he considered Spanish subjects should override the rights of British subjects, M. Lozano further thought that he should be sheltered from the criticisms of the Tangier press, and called, through Mr. White, for reparation, because some of the newspapers under British proprietorship had copied a published reply of your Lordship to Baron de Worms, in which my advice to the Tangier Jewish Elders to withdraw Guillermo de Celis to a safer place than Tangier was quoted.

The British and Spanish communities here are increasing so rapidly, that suits between British and Spanish subjects are inevitable; but if they are to be conducted on the principles adopted by Señor Lozano, there will be danger of redress only being available to the strongest. British subjects will decline to have recourse for redress to a Court which only gives a gloss of legality to *mala fides* and malpractices, and will demand to be permitted to meet Spaniards with equally defiant proceedings. Of course, such a state of things could not be tolerated, and therefore it is to be earnestly trusted that the Spanish Government will cause its Consular Court in Tangier to be conducted by persons who have a proper regard for the laws of their country, instead of an inordinate desire to only favour their countrymen.

I understand that among several recent cases of denial of justice of which Mr. White has to complain, one refers to the same widow Attias.

A Spanish master carpenter was her tenant. He declined to pay his rent, or even quit the premises occupied by him. Señor Lozano admitted his liability for the rent, and advised him to find other premises. After long delay, and at the defendant's entire convenience, the advice was followed, but the widow Attias did not receive her rent. Señor Lozano directed her to apply for it to a British subject, who was an asserted debtor of her late tenant.

The Spanish Consul in this way intimates that if Spanish subjects, notoriously solvent, are not allowed to sue in the British Consular Court as paupers, that is,

incapable of meeting the preliminary charges of a suit, British subjects must understand that justice in their behalf is momentarily suspended in his Court.

Mr. White called for my intervention in the matter; but an application by me to the Spanish Minister only elicited the statement, that Señor Lozano is entirely beyond the control of the Spanish Representative in this country in all judicial questions, and that the High Court of Seville is the competent superior of the Spanish Consular Court at Tangier.

I have, &c.
(Signed) W. KIRBY GREEN.

No. 91.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 13.)

(No. 118.)

My Lord,

Tangier, September 5, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 84 of the 7th ultimo, relative to the claims of the widow and children of the late Mr. John Damonte, of Mogador, against the Governor and tribe of Shindma. In compliance therewith, I venture to submit herein, for your Lordship's consideration, an exhaustive Memorandum on the case drawn up two years ago by Mr. de Vismes de Ponthieu, and now revised by him with the greatest care, and after a complete search and re-examination of the documents bearing on the matter in existence in the archives of this Legation.

Guided by the original Memorandum, I endeavoured, when at Morocco last year, to obtain from the Moorish Government, in the shape of an act of free-will on its part, a final settlement of the case by the bestowal of a pecuniary gratuity to the Damonte heirs. I was, however, met by peremptory refusal to reopen the discussion of an affair which was declared to have long ago been decided against the claimant.

Recently, on an earnest made to me by Mr. Damonte's widow, through Consul Payton, of Mogador, I promised, should the Sultan visit Tangier to renew, if a favourable opportunity offered, my application for a settlement of the claim. But I must admit to your Lordship that I do not believe such an application would have a more favourable issue than its forerunner, unless your Lordship authorized me to distinctly state to the Sultan that, in your Lordship's opinion, common justice requires that the Moorish Government should make reparation for a wrong which could not have been done if the administration of justice in this country was carried on with more regularity and impartiality by the existing authorities.

I have, &c.
(Signed) W. KIRBY GREEN.

Inclosure 1 in No. 91.

Memorandum on the Claims of the Heirs of the late John Damonte, of Mogador, against the Governor and Tribe of Shindma

THE claim relating to property seized during the war of 1859, and amounting to 21,203 dollars, was first brought officially to the notice of Her Majesty's Mission in Morocco by Vice-Consul Elton's despatch, of which and its inclosure copies are here annexed.

In answer to this application a letter addressed by Cid Mohammed Bargash to the Governor of Mogador was forwarded through Mr. Elton to Mr. Damonte, but apparently did not produce the desired effect. Various attempts were afterwards made by Her Majesty's Charge d'Affaires to effect a settlement of the matter either by an amicable arrangement or by bringing pressure from higher quarters to bear upon Kaid Omar-ben-Hamed-el-Hanashawi's attempts which culminated in a letter from the Sultan being delivered by Vice-Consul Carstensen in person to that official on his passage through Mogador. All, however, that appears to have resulted from these measures was the restoration of the small amount admitted by Mr. Damonte and his heirs to have been received, consisting principally of some oil; and in 1867 it was arranged between Mr. Carstensen and the Kaid of Shindma that the matter should be submitted judicially to the Cadi of Mogador, which arrangement was agreed to by

Mr. Damonte, but never carried out, owing to the failure of Kaïd Omar to send a "wakil" (attorney) to represent him at Mogador in spite of the Vice-Consul's repeated requests.

In the early part of 1869 the Sultan's Commissioner, Hadj Dris-ben-Dris, visited Mogador for the adjustment of British claims, and under his auspices another but equally fruitless attempt at an amicable arrangement between Mr. Damonte and the Kaïd of Shiadma was made, it being finally decided, as before, that the claim must go before the Shraa. Mr. Damonte, however, objected to the jurisdiction of the then Cadi of Mogador, who was a Shiadma man, appointed through the influence of his Kaïd, and well known to be actuated by fanatical feelings towards Christians. Hadj Dris having admitted this objection, it was agreed at Mr. Damonte's suggestion that the question should be referred to the Cadi of Tangier, and Kaïd Omar expressed his concurrence in this arrangement.

It now consequently became necessary for each of the contending parties to send a wakil to Tangier in default of proceeding to that place in person. The Governor of Shiadma, however, declared his inability to do so, except under express orders from the Sultan. Orders to that effect from Cid Mohammed Bargash, as the Sultan's Naïb or Representative, were disregarded, and Vice-Consul Carstensen had to apply for their renewal on the 3rd January, 1870. In a private letter sent at the same time he expresses the opinion that the Kaïd's obstinacy in this affair was due to the Sultan's (Sidi Mohammed's) partiality and interference on his behalf, and adds that the action of the Sultan's Commissioner, Hadj Dris-ben-Dris, in this case had been of the most timid character.

Kaïd Omar ultimately named a wakil, who proceeded to Tangier in conjunction with Mr. Jacob Levy, appearing on behalf of Mr. Damonte. On the 13th October, 1870, a protest was entered by the latter at Her Majesty's Consulate for his detention at Tangier, due to the fact that the Kaïd had provided his attorney with a power not in due form as regards the claim that had to be examined into; for in it Mr. Damonte was purported to have brought his action against the tribe of Shiadma, whereas his main claim was against the Governor himself, as the latter must have been well aware. Mr. Damonte four years later recovered damages for the undue detention of his agent pending the arrival of a new power of attorney from the Kaïd during seventy-one days, viz., from the 13th October to the 22nd December, 1870.

On the 16th January, 1871, the Cadi of Tangier delivered the Judgment, translation of a duly certified copy of which is here inclosed. It will be seen that by it the Kaïd was required to swear in a mosque of one of the principal towns (Fez, Mequinez, Morocco, or one of the recognized ports) that he had not taken possession of any of the property claimed by Mr. Damonte, it being by Moorish law understood that in default of his complying with this condition he must satisfy the claim against him. The Judgment includes within its operation any other person (of the tribe) whom Mr. Damonte might accuse of being in possession of any of his property.

The civil procedure followed before the Shraa Tribunals in Morocco is briefly as follows —

The oral depositions of the parties and their witnesses are first taken down. In the eye of the Shraa only documentary evidence is conclusive and of this only such is admitted as is drawn up according to the provisions and forms of the Shraa itself and through its own officers. After the depositions are concluded the plaintiff is asked whether he has any legal documents in support of his case. If so, only evidence of the same nature on the other side can avail against him. If not, the presence of any such on the adverse side is fatal to him. But if there is absence of documentary evidence on both sides, it is usual to tender the oath to the defendant, as in the present case, or the latter may be allowed to challenge his adversary to swear to his own claim or contention.

Kaïd Omar now alleged that before the rendering of the Judgment his agent had not been asked whether he had any other evidence to present, and appealed from the Cadi's decision on the above technical ground. Mr. Damonte objected that he had not lodged his appeal in proper time, but was informed by Sir John Drummond Hay that "there was nothing laid down in Treaty limiting the time during which an appeal may be made from the decision of a Cadi to fourteen days," and that a Memorandum of the case had been prepared by a Secretary of the Sultan for reference to His Shereefian Majesty. Shortly after this, a letter from Cid Mohammed Bargash was forwarded to the Kaïd of Shiadma by Vice-Consul Carstensen, accompanied, it appears, by a recommendation from the Vice-Consul to endeavour to settle the matter amicably. In reply, the Kaïd, whilst declaring his readiness to take the oath if need

be, offered Mr. Damonte a composition for a sum so trifling that Mr. Carstensen thought the claimant's refusal of it amply justified.

Another letter from Bargash was forwarded on the 12th April, 1872, by the Legation to Vice-Consul Carstensen, ordering the Governor of Shiadma to bring the matter to a close in one way or the other. In answer to the representations of the Governor of Mogador occasioned by this letter, Kaïd Omar wrote him a communication, where he, in effect, declined to be guided by the instructions of Cid Mohammed Bargash.

In September 1872, no settlement having yet been arrived at, Mr. Damonte began to evince impatience. Kaïd Omar having about that time paid a visit of some duration to Mogador, he wrote the Vice-Consul a letter charging him virtually with negligence in not having availed himself of this opportunity to bring about the long-desired settlement. The result was a fresh representation by Her Majesty's Minister to the Commissioner for Foreign Affairs.

Nothing further, however, appears to have transpired until 1875, when the last-named official informed Sir John Drummond Hay that the Sultan had given orders that the oath be administered to the Kaïd of Shiadma, although the Oolama had declared that he could not legally be compelled to swear. He added that, according to the Moorish law only, the Kaïd and none of his family should be desired to swear. This was in answer to Mr. Damonte's contention that the Judgment of the Cadi of Tangier required "the Kaïd, his family, and friends," to be put on their oath, but Mr. Damonte probably, with an imperfect knowledge of Arabic, misunderstood its terms, and furthermore apprehended that the Kaïd might find a door of escape through a bogus transfer of his property to some of his relatives, whereas in reality the terms of the oath as laid down are so precise as to exclude the possibility of such finessing to the most elastic conscience. Cid Mohammed Bargash therefore called upon Mr. Damonte to name a representative to proceed to Fez, where the Kaïd was at the time residing, in order to be present at the taking of the oath by him according to the requirements of Moorish law. This was made known by Sir John Drummond Hay to the British subject through Mr. Beaumier, then acting as British Consul, by a despatch dated the 12th January, 1875. Here again Mr. Damonte took up an evidently false position in maintaining that the oath should be sworn at Mogador, his reason being, perhaps, that he shrank from the expense which might be entailed upon him should his agent be retained during an indefinite time at Fez by tergiversation or other tactics on the part of the Kaïd, and it must be borne in mind that he had not as yet recovered damages for the undue detention of his agent at Tangier in 1870 through the Kaïd's fault.

In the following month (February 1875) Kaïd Omar-el-Hanashawi died, and Mr. Damonte claimed that, as he had not fulfilled the condition laid down in the Judgment, he, Mr. Damonte, was now entitled to recover the amount of his claim from the deceased Kaïd's estate. Cid Mohammed Bargash, however, contended that Mr. Damonte was, by the attitude he had adopted, responsible for Kaïd Omar's non-compliance before his death with the Cadi's order, and referred the matter again to the Sultan.

His Shereefian Majesty sent the son of the deceased Kaïd to Tangier, with orders that he be examined on oath as to his knowledge of the matter at issue, "in obedience to the decision of 1871." Mr. Damonte was also cited to appear at Tangier by first opportunity under pain of his claim being for ever dismissed from consideration. He obtemperated, and on the evening of the 19th May exhibited to the Cadi, in presence of Interpreter Abensur, the documents in his possession bearing on the case. The next day the Cadi declared the decision given by his predecessor in 1871 to be irrevocable, and ordered that the son be sworn in the place of his deceased father. On the 23rd May Mr. Damonte wrote to Mr. White protesting against "such a mode of administering justice," and Mr. White answered by referring him to the IXth Article of the General Treaty between Great Britain and Morocco, pointing out to him his right of appeal from this decision if he should give notice of appeal within fifteen days. A perusal of the annexed correspondence will show the exact ground taken up by Mr. Damonte.

In June 1877 Sir John Drummond Hay wrote to Cid Bargash asking for the explanation demanded by Mr. Damonte, and was informed, in answer, that the Kaïd's son had sworn and was free, implying that the decision of 1871 had in his view, or that of the Moorish law, been duly executed. It is, however, open to some question whether an oath taken thus in the absence of a representative of the adverse party has any validity according to Shraa.

The claim regarding what Messrs. Pyke and Minchin allude to as a mansion in the town is entirely distinct from the former one. The property in question is a "fondak," or kind of caravanserai with shops, which was transferred or mortgaged to Mr. Damonte in January 1867 on account of a debt of 8,000 dollars by the Taleb (Arabie scribe) of the British Vice-Consulate, Hadj H'med-ben-Brahim, who had bought it from his relative, the former Governor of Shiadma, Kaid Bujema, the same to whom Mr. Damonte had in 1859 confided his property. The Cadi and Notaries of Mogador, faithful to their policy of throwing obstacles in the way of the acquirement by Europeans of real property in Morocco, refused to witness the transfer of the fondak to Mr. Damonte. The same Hadj Ibrahim had, however, before succeeded in mortgaging other property to British creditors, and he now availed himself of the fact of his being under British protection to carry out the transfer of the fondak to Mr. Damonte in the British Vice-Consulate. Shortly after this, while Mr. Damonte was absent at Tangier with a man named Sidi Mesoud Esh-Shiadmi (i.e., of Shiadma), the Governor of Mogador sequestered all the latter's property by order of Cid Mohammed Bargash, and, among other things, took possession of the fondak belonging to Mr. Damonte, of which it would thus appear Mesoud was the tenant. This took place in March 1868. The Vice-Consul at first refused to move in the matter, as he had strict instructions from Tangier "not to interfere in this instance;" but when on his return to Mogador Mr. Damonte had explained to him to his satisfaction that the man in question had nothing to do with the fondak, he requested the Governor of Mogador to reinstate Mr. Damonte in possession, and also demanded on behalf of the British subject rent from the time of its seizure at the rate of 8 dollars per month, the amount he had been accustomed to receive since he had acquired the fondak. The Kaid of Mogador declined to comply with these demands without orders from Cid Mohammed Bargash. At this juncture Kaid Omar of Shiadma began to figure in the case, being, it would seem, the party in whose interest the sequestration of Mesoud Shiadmi's property had been effected, and he undertook to dispute Hadj H'med-ben-Brahim's original, and, therefore, Mr. Damonte's subsequent title to the property. Mr. Damonte, however, stated that all the titles of the property were in his possession, including the deed of purchase of the fondak by Ben Ibrahim from the latter, Kaid Bujema, and declared his readiness to meet his adversary on legal ground. It was ultimately agreed before Hadj Dria-ben-Dria that the question should be investigated by the Cadi of Tangier at the same time as Mr. Damonte's other claim against the Governor of Shiadma, but when, at the close of this case, Mr. Damonte's wakil was proceeding to open that regarding the fondak, it was found that Kaid Omar had not caused himself to be represented for it, and the affair had therefore to be abandoned.

It was next arranged by Sir John Drummond Hay that the trial should take place at Mogador before the Cadi of Haha, a disinterested party; but this never having been acted upon, and a new Cadi having been appointed to Mogador in 1872, Mr. Carstensen proposed that the matter should be brought before the latter, which proposal was agreed to by Sir John Drummond Hay and Cid Mohammed Bargash, but declined by the Kaid of Shiadma. The property was at this time in the possession of a religious sect called "Grega," who Mr. Carstensen considered had a good title to a part of it only, although it had been agreed that it should be considered disputed ground until the affair was legally settled.

The next record extant on the matter is dated the 12th January, 1875, when Sir J. D. Hay informs Acting Vice-Consul Benumer that the Sultan has ordered the claim to be judged by the Cadi of Mogador, subject to appeal to Cid Mohammed Bargash; and on the 17th of the same month a communication in that sense from the latter to the Governor of Mogador was forwarded to the British Vice-Consulate.

After the death of Kaid Omar Ben-el-Haushawi this matter does not appear to have been prosecuted further.

Mr. Damonte himself died in the summer of 1883.

The widow and orphans availed themselves of the impending arrival in this country of Mr., now Sir William, Kirby Green to revive their claims. They accordingly brought them under the notice of Consul Payton, who in September 1886 wrote the Report alluded to by Messrs. Pyke and Minchin, furnishing a résumé of the case, closely resembling in wording and effect that given in their own letter. Consul Payton suggests that though two new Governors have exercised jurisdiction over Shiadma since the death of Kaid Omar, yet, if it could be proved that each successive Governor had on his accession to office taken possession of his predecessor's property, then the claim might be brought against the present Governor; whereas if, on the

removal of the former Governors, the Sultan had taken possession of their effects, the claim would seem to be one against the Moorish Government. Consul Payton also inclosed a list of the documents purported to be in the possession of Mr. Damonte's representatives, of which the most important are marked in the accompanying extract. Sir William Kirby Green, at the beginning of the year 1888, informed Consul Payton that he did not see his way to reopening now a case which had been considered closed in 1877. Mr. Payton replied by the despatch of which the inclosed is a copy, from which it will be seen that Mr. Damonte's representatives rely on the contention that the substitution of the son of the Kaid of Shiadma to his father in taking the oath prescribed by the Judgment of 1871 is illegal.

With regard to the documents in the above list, it is well to mention that Vice-Consul Carstensen, in a Report of March 1878, stated it as his opinion that only 7,214 dollars of the total sum claimed by Mr. Damonte were established beyond doubt by documentary evidence, and that the remaining 13,989 dollars were open to dispute.

(Signed) G. DE VISMES DE PONTHEIU.

Tangier, September 4, 1888.

Inclosure 2 in No. 91

Vice-Consul Elton to Mr. Drummond Hay

Sir,

Gibraltar, January 21, 1890.

I HAVE the honour to inclose copy of a letter I have received from Mr. Juan Damonte, and although I am not aware of the circumstances of the claim he makes in his letter, I beg to say that I have frequently heard that he was connected in business with Boujema, the late Governor of Shiadma.

I have, &c.

(Signed) WILLIAM JAMES ELTON

Inclosure 3 in No. 91.

Mr. J. Damonte to Vice-Consul Elton

Sir,

Gibraltar, January 20, 1890.

AS you are no doubt aware through my protest (dated the 11th November last year, and handed to you in Gibraltar, that I left a considerable amount of property in Barbary, I take the liberty of addressing you to inform you that I have sent to Mogador (by the French merchant-steamers "Marocain" on the 11th December last year) two agents, Mr. William O. Trepasse, and Mr. Azar Aillalo, with instructions to collect and ship off the whole of the property in question.

I have to inform you that amongst other branches of business I frequently had large transactions with Boujema, the late Governor of the Province of Shiadma, which person has lately been dismissed by the Moorish Government from his Khabfat; and I have to complain that the new Governor of Shiadma, Willd Billa Zerwall, together with the new Governor of Mogador, El Hadj L'Arbie El Attar, have refused to allow my agents to take possession of sundry produce and effects lying in the stores of the former Governor of Shiadma in question; the keys of the stores are in my agents' hands, who are only waiting there at great risk and expenses for the permission to open said stores and take delivery of my property. Seeing the difficulties my agents are labouring under through the absence of your authority there, I have determined to proceed to Mogador in person, but I should wish you to obtain for me, through Her Majesty's Chargé d'Affaires at Tangier, an order from the Moorish Government to both the new Governor of Mogador and the new Governor of Shiadma to deliver to me without delay the entire property in question, in accordance with the documents I have in hand, in my opinion a letter from Her Majesty's Chargé d'Affaires to the Governor of Mogador, El Hadj L'Arbie El Attar, would also be of great importance under any circumstances. Should the Moorish Government refuse, I have nothing left but to protest against said Government for the further detention of my property, expenses, difference of prices in Europe, &c.

As I purpose proceeding in person to Mogador by the first opportunity, I should

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wish to carry said letters with me, as they would by these means reach sooner and add greater weight to my own representations to the authorities, besides saving considerable delays and further expenses, for which in the end the Moorish Government would be made responsible.

Had it not been for the unaccountable proceedings of the two Governors above mentioned, the whole of this property would have been already shipped and realized at a good profit, particularly the oil, which is at a very high price at present in this market, to which it was intended to ship it from the first by the same steamer which carried my agents to Mogador.

Hoping to receive the letters to both the new Governor of Mogador and the new Governor of Shladma, so as to enable me to leave by the very first opportunity, I have, &c.

(Signed) JUAN DAMONTE.

Inclosure 4 in No. 91

Certified Copy of the Judgment delivered by the Cadi of Tangier in the case of J. Damonte against the Governor of Shladma in 1871.

(Translation.)

PRAISE be to God alone! The copy of a document and that which was written below it, made in order to be kept in the house of the Minister of the English nation at Tangier at the time being, named, in the English language, Mr. John (sic), not for the purpose of inquiry or scrutiny. The contents are:—

Praise be to God! After the wakil, Es-Sid-or-Reini, named above, had asked of the Taleh Es-Sid Mohammed-el-Mesauri, mentioned with him as stated, whether he had any "roosm," or document, in support of what he had maintained in oral evidence, and the said Es-Sid Mohammed-el-Mesauri answered him that he had no "roosm," or documents, on the subject, the matter was referred to the Feki, the illustrious, the learned, the most excellent, the Mufti, the most worthy, the Sherif, the exalted the Cadi of Tangier at the time being, and he is the slave of his Lord Mohammed-ben-Atto-el-Hussani—may God be gracious unto him! Amen. May God exalt him, and guard it (Tangier), and the witnesses to this certify that he may God direct his judgment aright!—decided against the Caid Es-Sid Omar-esh-Shadmi-el-Hanshawi, referred to above, that the oath was incumbent on him as to that which was asserted against him in oral evidence, as his adversary had no documentary evidence to support his claim, the oath to be in these words:—

"By God, than whom there is no other God, I have taken possession of no part of that which has been stated of me in oral evidence, nor have I had the enjoyment of it, nor have I permitted anybody to take possession or make use of it."

And he shall take this oath in a mosque in some town (the word here used means the opposite of "country" or "wilderness," and would only apply to Fez, Mequinez, or Morocco, or one of the recognized ports). If the plaintiff accuse any other person besides this Kaid, and if such accused person admit (the accusation), he (the accused) shall make over to him (the plaintiff) what he admits (to have obtained possession of), and if not he will take the oath on the subject in the stated form and in a place of the said description. This is a complete Judgment delivered finally, and it requires to be conformed with.

The Undersigned testify this of him (the Cadi)—may his honour endure!—and (he has done this) may God preserve him!—as in duty bound, in virtue of his office, on the 20th Shuwal, 1287.

The slave of his Lord Muhammed Temsemani—may God be gracious unto him!—and the slave of his Lord Ali-ben-el-Hadj-ed-Ducali-el-Hassani—may God render him prosperous by His grace!

Here follow the usual forms of certifying with the signature of the Cadi and Adools.

Inclosure 5 in No. 91

Mr. J. Damonte to Consul White.

Tangier, May 23, 1877.

Sir, WITH reference to my claim against the late Governor of Shladma, Sid Omar-el-Hanshawi, I beg to inform you that unless I obtain a satisfactory explanation, stating the powerful reasons why the Moorish Government has never put into force

the decision of the Chief Cadi of Tangier, Sid Mohammed-ben-Atto, which signature was certified by you on the 16th January, 1871, and which has been declared irrevocable by the present Cadi, I cannot consent to the decision given by the said present Cadi on the 20th instant, "that the son is to swear in the place of his deceased father," and I most solemnly protest against any such way of administering justice.

I remain, &c.

(Signed) JOHN DAMONTE.

Inclosure 6 in No. 91

Consul White to Mr. J. Damonte.

Tangier, May 23, 1877.

Sir,

I HAVE received your letter of this day's date, in which you state that you cannot consent to the decision given by the Cadi on the 20th instant, that the son of the late Kaid of Shladma is to swear in the place of his deceased father, and you protest against such a way of administering justice.

In reply, I have to refer you to the IXth Article of the General Treaty between Her Majesty the Queen and the Sultan of Morocco, and to state that if you are dissatisfied with the decision of the Cadi, you are at liberty to appeal to the Moorish Minister of Foreign Affairs.

Should you decide to appeal against the Cadi's decision, notice of appeal must be given by you, in writing, within fifteen days after the determination of the case by the Cadi.

I am, &c.

(Signed) HORACE P. WHITE.

Inclosure 7 in No. 91.

Mr. J. Damonte to Consul White.

Gibraltar, May 25, 1877.

Sir,

I HAVE received your letter of the 23rd instant, in reply to mine of the same date, but I am very much surprised to see that you do not mention a single word regarding the cause I have stated in my said letter for not consenting to the decision given by the present Cadi on the 20th instant, which cause I now confirm, and expect most decidedly to obtain the explanation in question from the Moorish Government before any other proceedings take place.

With regard to your reply referring me to the IXth Article of the General Treaty between Her Majesty the Queen and the Sultan of Morocco, and that, in case I am dissatisfied with the decision of the Cadi, I am at liberty to appeal to the Moorish Minister for Foreign Affairs, and that notice must be given by me in writing within fifteen days after the determination of the case by the Cadi, allow me to ask why said Article of the General Treaty was not applied to the late Governor of Shladma on the 16th January 1871, when the first decision was given by the Cadi, instead of allowing him six years for his appeal, and beg to remark that, in view of such irregularity, I do not see how can you expect me also to follow said Article IX, as I cannot understand why Moors are to have any advantage over British subjects. If said Governor of Shladma had any right to keep back the first decision of the Cadi for the period of six years, most decidedly I must have the same right or privilege with regard to the second decision of the Cadi; and therefore I again beg to inform you that I must solemnly protest against such way of administering justice on the part of the Moorish authorities, and beg to state that, if I do not find any redress at Tangier, I reserve myself the right to procure it elsewhere in due time.

I remain, &c.

(Signed) JOHN DAMONTE.

Inclosure 8 in No. 91.

Consul White to Mr. J. Damonte.

Tangier, May 28, 1877.

Sir,

I HAVE received your letter of the 25th instant, and referring to your remark that the regulation limiting to fifteen days the term during which an appeal may be

made from the decision of a Cadi not having been applied to the Kaid of Shiadma, you claim that it be not now applied to yourself, I have to observe that this regulation is not laid down in Treaty, but was established in the year 1874 with the approval of Her Majesty's Government, and it was made known to British subjects by the Consular officers at the ports in pursuance of instructions given to them by Her Majesty's Minister in a Circular despatch dated the 9th December, 1874, a notice to this effect having been affixed in their Consular offices.

With reference to your complaint at the length of time that elapsed without the decision of the Cadi having been carried into effect, I have to remark that this complaint does not appear to harmonize with the plea put forward by you in the hearing of the case a few days since before the present Cadi of Tangier, that you had not admitted, and do not admit, the decision of 1871.

I am, &c.
(Signed) HORACE P. WHITE.

Inclosure 9 in No. 91

Mr. J. Damonte to Consul White.

Gibraltar, June 4, 1877.

Sir,

IN reply to your letter of the 29th ultimo, with reference to your remark regarding that my complaint for non-fulfilment of the first decision of the Cadi does not appear to harmonize with the plea put forward by me before the present Cadi, I beg to state that I was compelled by Her Majesty's Minister to go to the Shraa a second time, and, according to the Moorish law, it was the only plea I could put forward to go through it again; which plea, as you are well aware, was not admitted on account that said decision could not be revoked, therefore I must insist in having the explanation in question from the Moorish Government before I can admit the oath of the son instead of his deceased father; as I cannot understand why the Sultan did not compel the late Governor of Shiadma to fulfil said decision long before his death, which took place on or about February 1875, while the decision was given by the Cadi in January 1871.

I am, &c.
(Signed) JOHN DAMONTE.

Inclosure 10 in No. 91

List of Documents said by Mr. Damonte a Personal Representatives to be in their possession regarding Mr. Damonte's former claims on the Governor of Shiadma.

(Extract.)

1. DOCUMENT of John Damonte against Si Omar-el-Hanshawi, Kaid Bujema, and tribe, 23,428 dollars.
2. Documents certified by the Cadi of Tangier (witnesses).
3. List of debts of Kaid Bujema of what he had and what he delivered, until 21,203 dollars were left to his debt.
13. Documents as to sundry articles left at Tella, in the house of Kaid Bujema, in 1859.
- 17 and 28. Note of effects received from Kaid Omar to credit his account.
18. Note of Mr. Damonte's claims and balance of accounts.
- 19 and 30. Letters of Mulai Ah (Sultan's brother) ordering Kaid Bujema to leave the Province of Shiadma, and declaration of effects belonging to Mr. J. Damonte in the hands of the said Kaid.
- 19 and 31. Copy of Sultan's letters to Kaid Omar regarding Mr. Damonte's claims.
33. Documents of Hadj H'med-ben-Brahim passing all his property in Shiadma to Mr. J. Damonte on account of his debt towards Mr. J. Damonte, 20 Shuwal, 1283.
41. Documents of Hadj H'med concerning the fondak of which Kaid Omar took possession.
43. Documents of Hadj H'med-ben-Brahim giving the fondak in payment of 6,000 dollars.
47. Documents of the fondak.

Inclosure 11 in No. 91.

Consul Payton to Sir W. K. Green.

Sir,

Magador, March 6, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 28th January last, with reference to the Damonte-Shiadma claim, and have communicated the purport of the same to Mr. H. N. Damonte, who, as showing cause why your Excellency's intervention should now be asked in the matter, states that if any decision was given by the Cadi of Tangier it was never executed, and that though during his father's lifetime considerable sums were offered in compromise of the affair, no settlement was ever effected, nor, to the best of his knowledge and belief, any payment made. Mr. Damonte has handed me a letter he has addressed to your Excellency begging me to transmit it, which I accordingly do.

I would specially refer your Excellency to my despatch of the 18th September, 1886, for a full statement of the circumstances of the case, based upon the information supplied by the claimant.

I am informed that the copies of all the papers in the case are in the hands of Mr. L. A. Cohen, of Tangier, who is at present in charge of the family interests in this matter.

I have, &c.
(Signed) CHAS. A. PAYTON

No. 92.

Consul White to the Marquis of Salisbury.—(Received September 13.)

(No. 12. Consular.)

My Lord,

Tangier, September 4, 1888.

WITH reference to my despatch No. 11 of the 22nd ultimo regarding the claim of the widow Attias against the Spanish carpenter, Sane uez, I have the honour to report that yesterday I received a letter from the Spanish Consul, forwarding the sum of 5 dollars as a first instalment towards the payment of the rent due to Mrs. Attias.

I presume that M. Lozano has at length decided to make Sane uez pay the small sum which, notwithstanding my frequent representations, has now been owing for nearly five months, but I venture to hope, nevertheless, that should your Lordship make any representation to the Spanish Government regarding the Attias case, reported in my despatch No. 7 of the 17th M., some mention may also be made of the present case, which serves to illustrate further the extraordinary line of conduct which M. Lozano appears to have traced out for himself with regard to the claims that British subjects may bring against Spaniards.

I have, &c.
(Signed) HERBERT E. WHITE

No. 93.

The Marquis of Salisbury to Count Robilant.

M. l'Ambassadeur,

Foreign Office, September 17, 1888.

IN reply to your Excellency's note of the 27th ultimo, I have the honour to inform you that Her Majesty's Government are not in possession of any recent information on the subject of the taxes levied on foreigners by the Municipalities of Tunis and Suss, but that inquiry will be made into the matter.

I have, &c.
(Signed) SALISBURY

Foreign Office to Acting Consul Carbonaro.

(No. 8.)

Sir,

Foreign Office, September 17, 1888.

I AM directed by the Marquis of Salisbury to instruct you to furnish his Lordship with a Report on the nature and extent of the taxes now levied on foreigners by the Municipalities of Tunis and Suse.

I am, &c.
(Signed) P. CURRIE.

No. 95.

Consul Ricketts to the Marquis of Salisbury.—(Received September 18.)

(No. 15.)

My Lord,

Tunis, September 11, 1888.

I HAVE the honour to inform your Lordship that the canal leading from Lake Biserta to the sea has now attained a depth of 3 to 4 metres.

The breakwater commenced some time ago is still in a bad state.

Three or four torpedo-boats are, I am told, expected on the 29th of this month to be stationed in this lake.

The number of troops there have been reduced to one company of artillery

I have, &c.
(Signed) W. RICKETTS.

P.S.—This leaves by the Italian mail.

W. R.

No. 96.

The Marquis of Salisbury to Count Robilant.

M. l'Ambassadeur,

Foreign Office, September 19, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 10th instant, stating that the Italian Government are anxious to be informed whether, in the event of the arrival of the Sultan of Morocco at Tangier on the 1st October, Her Majesty's Government intend to send a ship of war to that city as an act of courtesy towards His Highness.

I beg leave to state to your Excellency, in reply, that according to the information in possession of Her Majesty's Government no date is fixed, or is likely to be fixed, beforehand for the Sultan's visit to Tangier, and that under these circumstances it does not seem possible to make arrangements for the presence of a ship of war at that port.

I have, &c.
(Signed) SALISBURY.

No. 97

The Marquis of Salisbury to Sir E. Malet.

(No. 240.)

Sir,

Foreign Office, September 19, 1888.

COUNT LEYDEN called at this Department to-day to say that the Italian Chargé d'Affaires at Berlin had called the attention of the German Government to a Havas telegram reporting disturbances in Tripoli, on the Tunisian frontier, and had expressed his opinion that the disturbances, if the report were true, had been manufactured by the French in order to justify interference.

Count Leyden said that his Government did not appear to attach much importance to the rumour

I am, &c.
(Signed) SALISBURY.

Count Robilant to the Marquis of Salisbury.—(Received September 27.)

(Translation.)

My Lord,

20, Grosvenor Square, London, September 24, 1888.

THE King's Government have telegraphed to me that, by a Law dated the 21st September, the Bey of Tunis has placed all public and private schools in the Regency under French inspectors, making the French language obligatory in the schools in question. Another Law prohibits unauthorized Associations.

His Majesty's Government holds that these Laws are not applicable to Italians residing in the Residency:

1. On account of the right they derive from the Capitulations acknowledged by Article 2 of the Protocol of January 26, 1884, between Italy and France.

2. On account of Article XIV of the Treaty of the 8th September, 1868, also acknowledged by France.

Italians in Tunis cannot, therefore, be governed by Laws other than their own, in virtue of the Capitulations and of the above-mentioned Treaty, which expressly preserves to them the rights, privileges, and immunities flowing therefrom. In virtue of the same Convention, Italians in Tunis are subject to the same treatment as that granted to Tunisians in Italy. Now Article 3 of our Civil Code places foreigners on the same footing as natives, and therefore, Tunisians also, who, had they schools in the Kingdom [of Italy], could not be obliged to use or study the Italian language; therefore, Italians in the Regency cannot be obliged to use or study a language other than their own.

With regard to Associations, they are not, in Italy, subject to any previous authorization; and, therefore, under the reciprocal right established by Article XIV of the Treaty of the 8th September, 1868, no arrangement other than this can be applied to Italians in Tunis.

For these reasons His Majesty's Government hopes that the Laws in question will not be applied to Italians; in any case, however, that Government now declares that its views above expressed cannot be changed, and that, consequently, should the case arise, it will shape its course in accordance with the action of the King's Government.

In communicating the above to your Excellency, in accordance with Signor Crispi's instructions, it is to be observed that the above-mentioned Laws, which are the work of the French Government, are framed to strike at—to the injury of Italians in the Regency—privileges not greater than those enjoyed by all the other [foreign] colonies, and seem to pave the way for a disguised annexation.

I have, &c.
(Signed) C. ROBILANT.

No. 99

The Marquis of Salisbury to Sir W. K. Green.

(No. 95.)

Sir,

Foreign Office, September 27, 1888.

WITH reference to your despatch No. 118 of the 5th instant, I have to inform you that the Damonte case will be submitted for the consideration of the Law Officers of the Crown, and, with a view to complete the papers for reference, I should be glad if you would forward to me a copy of the Report by Vice-Consul Carstensen of March 1873, and of that by Consul Payton of September 1886, both of which are referred to in the Memorandum inclosed in your above-mentioned despatch.

I am, &c.
(Signed) SALISBURY.

No. 100.

Mr. Egerton to the Marquis of Salisbury.—(Received September 28.)

(No. 492.)

My Lord,

Paris, September 27, 1888.

I HAVE the honour to inclose herewith, as published in the "Journal des Débats," the text of a Law promulgated in the Tunisian Gazette on the subject of

education, for it is possible that it may give umbrage to the Italians if, as I believe, the Italian schools are still under Consular supervision; and it may be held by them that, in a country where the Head of the State is Mussulman the inspection of these schools should remain under the Capitulations. A Law on the subject of Associations in Tunis is also published in the same paper.

I have, &c.
(Signed) EDWIN H. EGERTON

Inchuse in No. 160

Extract from the "Journal des Débats" of September 23, 1888.

NOTRE Correspondant particulier nous adresse le texte suivant des deux Lois nouvelles qui viennent d'être promulguées par "l'Officiel Tunisien" —

Loi sur l'Enseignement.

Sont promulguées, dans la Régence de Tunis, les Articles des lois Françaises sur l'Enseignement (15 Mars, 1850, et 30 Octobre, 1850), ci-après reproduits et modifiés:—

CHAPITRE I^{er}.

Section 1.—Des Écoles.

Article 1^{er}. La Loi reconnaît deux espèces d'Écoles Primaires ou Secondaires

(1.) Les écoles fondées ou entretenues par les communes ou l'État et qui prennent le nom d'Écoles Publiques.

(2.) Les écoles fondées ou entretenues par des particuliers ou des Associations et qui prennent le nom d'Écoles Privées.

Dans toutes les Écoles Primaires ou Secondaires le Français doit être enseigné.

Section 2.—De l'Inspection.

Art 2. L'Inspection des établissements scolaires s'exerce par le Directeur de l'Enseignement Public de la Régence ou ses délégués.

Celle des écoles privées porte sur la moralité, l'hygiène, et la salubrité. Elle vérifie si l'enseignement n'est pas contraire à la morale et aux lois du pays et si la langue Française y est enseignée.

Art. 3. Tout chef d'établissement primaire ou secondaire qui refusera de se soumettre à la surveillance de l'État, telle qu'elle est prescrite par l'Article précédent, sera traduit devant le Tribunal Correctionnel et condamné à une amende de 100 fr. à 1,000 fr.

En cas de récidive, l'amende sera de 500 fr. à 3,000 fr.; si le refus de se soumettre à la surveillance de l'État a donné lieu à deux condamnations dans l'année, la fermeture de l'établissement pourra être ordonnée par le Jugement qui prononce la seconde condamnation.

Le procès-verbal des Inspecteurs constatant le refus du chef d'établissement fera foi jusqu'à inscription de faux.

CHAPITRE II.—DES INSTITUTEURS

Section 1.—Des Conditions d'exercice de la Profession d'Instituteur Primaire, Public ou Privé.

Art. 4. Toute personne âgée de 21 ans peut exercer dans la Régence la profession d'instituteur primaire, public ou privé, si elle est munie d'un brevet de capacité régulièrement délivré, soit dans la Régence soit dans une Université étrangère. Le Directeur de l'Enseignement Public est juge de la validité des brevets; il peut accorder des dispenses d'âge.

Art. 5. Sont incapables de tenir une école publique ou privée, ou d'y être employés, les individus qui ont subi une condamnation pour crime, ou pour délit contraire à la probité ou aux mœurs, les individus privés par jugement de tout ou partie des droits civiques, civils et de famille, et ceux qui auront été interdits en vertu de la présente Loi.

Art. 6. Tout instituteur qui veut ouvrir une école privée doit préalablement déclarer son intention au Contrôleur Civil et au Procureur de la République de l'arrondissement où il veut s'établir, leur désigner le local et leur donner l'indication des lieux où il a résidé et des professions qu'il a exercées pendant les dix années précédentes. Cette déclaration demeurera affichée par les soins du Contrôleur Civil à la porte du contrôle pendant un mois.

Art. 7. Le Contrôleur Civil et le Procureur de la République peuvent former opposition à l'ouverture de l'école dans l'intérêt des mœurs publiques ou de la loi, ou par refus d'approbation du local dans le mois qui suit la déclaration.

Il est statué sur cette opposition, la partie entendue ou dûment appelée par le Conseil de l'Instruction Publique institué à l'Article 13 de la présente Loi.

A défaut d'opposition, l'école peut être ouverte à l'expiration du mois, sans autre formalité.

Si l'école doit être mixte, une autorisation spéciale du Directeur de l'Enseignement Public sera nécessaire.

Art. 8. Quiconque aura ouvert ou dirigé une école en contravention aux Articles précédents, sera poursuivi et condamné à une amende de 50 fr. à 100 fr. L'école sera fermée.

En cas de récidive, le délinquant sera condamné à un emprisonnement de six jours à un mois et à une amende de 100 fr. à 1,000 fr.

Art. 9. Tout instituteur privé, sur la plainte du Contrôleur Civil ou du Procureur de la République, pourra être, pour cause de faute grave, dans l'exercice de ses fonctions, d'inconduite ou d'immoralité, déféré au Conseil de l'Instruction Publique, et être censuré, suspendu, ou interdit de l'exercice de sa profession.

Section 2.—Des Établissements Particuliers d'Instruction Secondaire.

Art. 10. Toute personne, âgée de 25 ans au moins, et n'ayant encouru aucune des incapacités, prévues par la présente Loi, peut fonder un établissement d'instruction secondaire, sous la condition de faire au Contrôleur Civil et au Procureur de la République de l'arrondissement où elle se propose de s'établir les déclarations prescrites par l'Article 6, et, en outre, de déposer entre les mains du Contrôleur Civil les pièces suivantes dont il lui sera donné récépissé:—

1. Un certificat de stage constatant qu'elle a rempli pendant cinq ans au moins les fonctions de professeur ou de surveillant dans un établissement secondaire, public ou privé.

2. Un diplôme de bachelier ou son équivalent. Le Directeur de l'Enseignement Public sera juge de la validité des diplômes.

3. Le plan du local et l'indication de l'objet de l'enseignement.

Des dispenses d'âge peuvent être accordées par le Directeur de l'Enseignement Public.

Les Articles 5, 7, et 8 ci-dessus sont applicables aux personnes voulant ouvrir des établissements secondaires.

Art. 11. En cas de désordre grave dans le régime intérieur d'un établissement privé d'instruction secondaire, le chef de cet établissement peut être appelé devant le Conseil de l'Instruction Publique et soumis à la réprimande avec ou sans publicité.

Art. 12. Tout chef d'établissement privé d'instruction secondaire, toute personne attachée à la surveillance d'une maison d'éducation peuvent, sur la plainte du Contrôleur Civil ou du Ministère Public, être traduits, pour cause d'inconduite et d'immoralité devant le Conseil de l'Instruction Publique et être interdits de leur profession, à temps ou à toujours, sans préjudice des peines encourues pour crimes ou délits prévus par les lois.

CHAPITRE III.—CONSEIL DE L'INSTRUCTION PUBLIQUE.

Art. 13. Il est établi dans la Régence un Conseil de l'Instruction Publique, composé ainsi qu'il suit:

Le Directeur de l'Enseignement Public, Président,

Un Inspecteur des Écoles Primaires,

Le Professeur à la Chaire Publique d'Arabe,

L'Inspecteur-Général des Études Arabes;

Le Directeur du Collège Sadiki;

Le Directeur du Collège Alani.

Un Professeur de la Grande Mosquée désignée par ses collègues;

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X

Le Directeur du Collège Saint-Charles;
Un Professeur du dit collège désigné par ses collègues;
Le Contrôleur Civil de Tunis;
Le Président et le Procureur de la République du Tribunal de Tunis;
Trois Directeurs d'Écoles Privées désignées par le Directeur de l'Enseignement Public.

Art. 14. Les membres du Conseil de l'Instruction Publique sont nommés pour trois ans.

Art. 15. Le Conseil de l'Instruction Publique donne son avis
Sur les réformes à introduire dans l'enseignement, la discipline, et l'administration des Écoles Publiques;
Sur les budgets de ces écoles.

Il instruit les affaires disciplinaires relatives aux membres de l'enseignement.

Il prononce sur les affaires contentieuses relatives à l'ouverture des écoles privées, aux droits des maîtres particuliers, et à l'exercice du droit d'enseigner; sur les poursuites dirigées contre les membres de l'enseignement primaire ou secondaire, dans les cas déterminés par la présente Loi.

CHAPITRE IV.—DISPOSITIONS DIVERSES.

Art. 16. Les Directeurs de chaque école devront tenir un registre sur lequel seront inscrits les noms des élèves, la date de leur naissance, l'époque de leur entrée à l'école, le nom et le domicile de leurs parents.

Art. 17. Les châtimens corporels sont interdits.

Loi sur les Associations.

Article 1^{er}. Toutes personnes voulant former une Association devront faire au Contrôleur Civil et au Procureur de la République de l'Arrondissement une déclaration énonçant :—

1. L'objet et le nom de l'Association.

2. Les nom, âge, profession, et domicile des fondateurs, et spécialement de ceux qui doivent représenter l'Association, comme Présidents, Directeurs, Administrateurs, ou sous toute autre dénomination.

3. Le siège de l'Association.

Les statuts de l'Association devront être, en outre, déposés.

Art. 2. Nulle Association ne peut se constituer qu'avec l'autorisation du Gouvernement, qui fera connaître sa décision dans la délai d'un mois. Cette autorisation est toujours révocable.

Art. 3. Toute modification aux statuts d'une Association, tout changement dans le personnel des Administrateurs doivent être déclarés et autorisés dans les mêmes formes que ci-dessus.

Art. 4. Toute Association qui se sera formée sans autorisation sera dissoute.

Les Chefs, Directeurs, ou Administrateurs de l'Association seront, en outre, punis d'une amende de 10 fr. à 200 fr.

Les mêmes dispositions pourront être appliquées en cas d'infraction aux statuts d'une Association dûment autorisée.

Art. 5. Si, par discours, exhortations, invocations, ou prières, en quelque langue que ce soit, ou par lecture, affiche, publication ou distribution d'écrits quelconques, il a été fait, dans les réunions tenues par l'Association, quelque provocation à des crimes ou à des délits, la peine sera de 100 fr. à 300 fr. d'amende, et de trois mois à deux ans d'imprisonnement contre les Chefs, Directeurs, et Administrateurs de ces Associations, sans préjudice des peines plus fortes qui seraient portées par la loi contre les individus personnellement coupables de la provocation, lesquels, en aucun cas, ne pourront être punis d'une peine moindre que celle infligée aux Chefs, Directeurs, et Administrateurs de l'Association.

Art. 6. Tout individu qui, sans la permission du Contrôleur Civil, aura accordé ou consenti l'usage de sa maison ou de son appartement, en tout ou en partie, pour la réunion des membres d'une Association non autorisée, sera puni d'une amende de 10 fr. à 200 fr.

Art. 7. Aucun établissement d'enseignement privé, aucune Association quelconque ne peuvent être reconnus d'utilité publique que par un Décret qui déterminera la qualité des biens meubles ou immeubles que l'établissement ou l'Association pourrait posséder. Toute acquisition dépassant cette quotité sera nulle de plein droit.

Le bénéfice de la reconnaissance d'utilité publique peut toujours être retiré par Décret. Les dispositions à titre gratuit faites en faveur d'un établissement ou d'une Association reconnue d'utilité publique ne pourront avoir leur effet qu'après avoir été autorisées par un Décret Spécial.

Art. 8. Toute acquisition à titre gratuit ou onéreux faite par une Association simplement autorisée, soit directement, soit au moyen de personnes interposées, soit au moyen de l'adjonction d'une Convention de Société ou par toute autre voie indirecte, est nulle de plein droit.

Toutefois les acquisitions d'immeubles nécessaires aux réunions ou au fonctionnement de l'Association peuvent être autorisées par Décret.

Art. 9. La nullité des dispositions ou acquisitions faites contrairement à la présente Loi et postérieurement à sa promulgation peut être poursuivie devant les Tribunaux Civils par toute personne intéressée, même par les donateurs ou les vendeurs, et par le Ministère Public. Les biens faisant l'objet des actes annulés font retour aux ayants droit. S'il s'agit de biens acquis à titre onéreux, ces biens ou leur valeur, si le vendeur en offre le remboursement, sont attribués à l'État, qui les consacrera à des œuvres d'assistance ou de prévoyance.

No. 101.

The Marquis of Salisbury to Sir Clare Ford.

(No. 140.)

Sir,

Foreign Office, September 28, 1888.

I TRANSMIT to your Excellency herewith copies of the correspondence, noted in the margin,* respecting the proceedings of Señor Lozano, Spanish Consul at Tangier.

As regards the particular case of *Attias v. Sanchez*, which is fully described in the inclosed papers, your Excellency will perceive that the defendant has, after considerable delay, at last paid 5 dollars out of the 12½ dollars owing by him to Gumol Attias in respect of rent, and will doubtless pay the remainder shortly, so that tardy justice will eventually be done in this particular matter.

The allegations, however, against Señor Lozano, seemed not to be confined to any special case, but to amount rather to a complaint of a general character that he persistently maladministers justice in favour of Spanish as opposed to British subjects, and, as evidence of this, his conduct in the cases of *Attias v. Celis* and *Attias v. Sanchez* is more particularly adduced. The facts in these cases appear strongly to support the general statement, whilst his action is very unfavourably spoken of both by Sir K. Green and Consul White.

It may doubtless be urged that the acts complained of were done by Señor Lozano in his judicial capacity, and that against such acts, if erroneous or improper, the remedy is, in the first instance, by appeal to the High Court of Seville rather than by official representations to his superiors in the executive branch of his duties.

But I am disposed to think that some at any rate of his proceedings in the cases of *Attias v. Celis* barely come within the category of judicial acts, while it does not in any event appear probable that a practical solution of the question will be reached by appeal to Seville. I have, under these circumstances, to request that your Excellency will take an early opportunity of officially bringing the proceedings of Señor Lozano under the notice of the Spanish Government, and of making a strong, though at the same time informal, remonstrance upon the subject.

Your Excellency will be careful, however, to disclaim all intention on the part of Her Majesty's Government of interfering in judicial matters.

I am, &c.

(Signed) SALISBURY.

* See Part XVII, No. 86, and ante, No. 62, 78, 90, and 92.

The Marquis of Salisbury to Count Robilant.

M. l'Ambassadeur,

Foreign Office, September 28, 1888.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 24th instant on the subject of the new Laws in Tunis relative to public and private schools and the formation of Associations.

I have, &c.
(Signed) SALISBURY.

Mr. J. G. Kennedy to the Marquis of Salisbury. (Received September 29.)

(No. 248.)

My Lord,

Camaldoli, September 25, 1888.

I HAVE the honour to inclose, in translation by Mr. Adam, Second Secretary at this Embassy, an interesting article from Signor Crispi's organ, the "Riforma," commenting upon recent French action in Tunis.

The article reviews and criticizes the Decrees subjecting all schools, whether public or private, to the inspection of the Director of Public Instruction in the Regency, and regulating Associations, and also the Bill announced by M. Goblet for facilitating the importation into France of Tunisian agricultural products.

These measures are accepted by the "Riforma," and generally by the Italian press, as directed against Italy in retaliation for the recent Massowah incident.

The above measures, according to the inclosed article, would seem to prove that the Massowah incident was not raised out of regard for the observance of international law, but solely as a means of obtaining concessions elsewhere. "But," continues the "Riforma," "we must not allow ourselves to be disquieted by the above French measures, because Tunis is not yet annexed to France, the Treaties voluntarily contracted with foreign Powers by the Bey are still valid, and these Treaties have been guaranteed and confirmed by the imposed Treaty of Kassar-Said."

The "Tribuna" observes that these new bonds drawn round Tunis point to the eventual annexation of that country by France: "Under such circumstances, Italy should ask herself the simple question 'Ought we, can we, go to war for Tunis?' In 1881 the answer was a decided negative. Now, owing to old and new alliances, the question might be otherwise decided."

I have, &c.
(Signed) J. G. KENNEDY.

Inclosure in No. 103.

Extract from "La Riforma" of September 23, 1888.

(Translation.)

FRANCE IN TUNIS.

"Tunis, September 21, 1888.

"A DECREE subjects all schools, whether public or private, to the inspection of the Director of Public Instruction in the Regency. Its wording is in conformity with the French Educational Laws.

"Another Decree regulates Associations."

"Paris, September 21, 1888.

"The Bill respecting customs duties between Tunisia and France, which M. Goblet, Minister for Foreign Affairs, has been authorized by the Cabinet to bring forward at the next meeting of the Chamber, deals with wines, cereals, cattle, and oils, and is calculated to facilitate their importation into France, subjecting them merely to an *ad valorem* duty of 3 per cent."

The above telegrams will certainly not pass unobserved in Italy, yet we do not think that the impression caused by them will be greater than it should be.

They will not pass without remark, both on account of the measures which they

describe, and because of the moment selected by the French Government for putting them into force.

When the Massowah incident failed to take the course which it hoped for, the officious French press declared that it could not understand how the Italian Foreign Minister had ever brought to the notice of Europe that incident, which, in the opinion of the Paris Cabinet, should merely have been the object of a friendly discussion.

The present measures prove most clearly what everyone in Italy had from the first perceived, namely, that the incident in question was not raised from any love for international law, as was pretended in Paris, but merely as a means for obtaining concessions elsewhere, if, indeed, it was not possible to create embarrassments for us at Massowah itself. Thus two questions which ought to remain in fact, as they are by nature, absolutely separate and distinct, would have been successfully mixed up. Now, on the contrary, when the Massowah incident has been brought before the tribunal of Europe, and settled in accordance with our lawful rights, with the unanimous consent of the Great Powers and of Spain (whatever the Parisian press may still pretend) by the rejection of the French assumptions respecting the Capitulations, the measures which France may be planning with regard to Tunisia might be considered in themselves and upon their own merits.

These would appear to be of two kinds, and to deal with moral interests as well as with material interests, but there is no need for excessive anxiety either on account of the one or the other, since as yet, so far as we are aware, Tunisia has not been annexed to France, and the Treaties concluded by the Bey with other European Powers are still in force, those voluntary Treaties, of which the compulsory Treaty of Kassar-Said confirmed the validity and guaranteed the observance.

Now, the provisions of that Treaty, whether regarding produce or relating to schools and to Associations, cannot be violated, nor can it enter into the mind of France to violate them.

We shall probably have to wait until the opening of the French Chamber to know the text of the Bill which the Minister for Foreign Affairs is alleged to have been authorized by the Cabinet to bring forward with regard to customs duties between Tunisia and France; we shall not have to wait so long, a few days at most, before knowing the terms of the Decree respecting the schools, if so be that it has really been issued. With the text before our eyes we can see what is really the question.

For the present, and while reserving any comments, it will not be without profit to call to mind what occurred with regard to Italian schools in the Argentine Republic.

"Chauvinisme" is not an exclusively French ailment, and the marvellous progress of the Italian colony in the Argentine Republic, too, aroused in some misguided persons distrust and suspicions. The local press took up the matter, and, like more than one French newspaper in the case of our schools at Tunis, demanded the suppression of the Italian schools, as being contrary to the Law of the land.

The Government was obliged to take the matter up, and we know what was the result of the investigation which it undertook.

That result was, that the President of the Republic, in his message at the opening of the National Congress, recognized the right of foreigners to freedom of teaching provided they conform to the local school regulations, and declared that the schools maintained by foreign communities were not a menace against the safety of the State.

And thus the campaign against our schools was forced to come to an end.

Now, our schools in Tunisia certainly violate no logical regulations any more than the Italian schools in France do.

Hence, if the existence of the latter is admitted, as indeed it ought, it must be so all the more in Tunisia, which is only a protected country, and the relations of which with European Powers are regulated by the Treaties in force.

Certainly, we must not delude ourselves into believing that no difficulties can be created for our schools. There will be both the will and the power to create them, but whilst, on the part of Italy, everything which might afford a pretext for them will be avoided, we must also believe that, at least for the present, the Paris Cabinet will realize the expediency for France not to drive to extremities a colony which is at once the oldest, the most numerous, the most active, the wealthiest, the most important one in the Regency, that colony which holds in its hands so large a part of the prosperity of a country which must also be of some interest to the French, since they have insisted on protecting it at any cost; that the Paris Cabinet will realize the expediency

of not rendering the relations between Italy and France less friendly by an unjust policy towards our colony at Tunis.

Rightly or wrongly—and in our opinion rightly—in the popular even more than in the official classes, the Italian nation has felt the Tunis blow, and in France itself there are many who deplore its effects. We do not believe that the French Government has any interest in aggravating those effects; and, therefore, we receive the above news of the day with great calmness, although we are quite aware of the origin and purpose of the measures announced therein.

Appendix.

No. 1.

The Marquis of Salisbury to Sir W. K. Green.

(No. 2. Africa.)

Foreign Office, May 10, 1888.

Sir,

I HAVE received your despatch No. 4, Africa, of the 3rd instant,* forwarding copy of a despatch from the Senior Naval Officer at Gibraltar, and copy of the reply of the Sherrefian Government to the representations made by you on the 21st ultimo relative to the attack on the English factory at Cape Juby.

I inclose, for your information, copies of correspondence on the subject, as marked in the margin.†

You should state to the Sherrefian Government that the North-West African Company had a clear right to station themselves at Cape Juby if they thought fit, and that even if the Sultan succeeded in annexing the district subsequently to their occupation, he had no right to injure the Company's property nor to endeavour to expel them by force. You will state that Her Majesty's Government hold the Moorish Government distinctly responsible for the recent cowardly attack on and slaughter of British subjects, and that they will demand full compensation, and the punishment of the men who shall be proved to be guilty.

You will impress upon the Sherrefian Government that Her Majesty's Government look upon the late outrage in a very serious light, and expect that prompt attention will be paid to your representations.

I am, Sir,
(Signed) SALISBURY.

No. 2

The Law Officers of the Crown to the Marquis of Salisbury.—(Received May 31.)

My Lord,

Royal Courts of Justice, May 29, 1888.

WE were honoured with your Lordship's commands signified in Sir Julian Pauncefote's letter of the 2nd instant,* stating that he was directed by your Lordship to transmit to us the papers noted in the accompanying list† relative to a claim which had been put forward by the North-West African Company to the active assistance and support of Her Majesty's Government in claiming compensation from the Sultan of Morocco if he should incorporate the property claimed by them in his territory by virtual force of arms.

That the Company in question was formed some ten years since for the purpose of developing British trade in regions hitherto untouched by British merchants on the North-West Coast of Africa, and that they eventually selected Cape Juby as the most suitable spot upon the coast to serve as a basis for their operations.

That the legal position in which the Company stood in 1886 with regard to their occupation of Cape Juby—and which was still practically unchanged—was set forth in the inclosed Memorandum which had been drawn up by Mr. Davidson; and that two Memoranda were also inclosed, which had been drawn up by Sir J. D. Hay, formerly Her Majesty's Minister at Tangier, which contained much information with regard to the relations which had hitherto existed between the Sultan of Morocco and the Company, and also dealt with the negotiations which at that date were about to be entered upon at Morocco for a settlement of the question between the Sultan and the representatives of the Company.

That those negotiations having failed, the present phase of the question appeared to be as follows:—

That the North-West African Company contended, for reasons which were set forth at length in their letters of the 12th and 28th July and the 18th August, 1887, that they were entitled to the active protection and assistance of Her Majesty's Government in the event of incorporation into Morocco; and that we should perceive

* Not printed.

† Mr. Brooker, *Telegraphic*, May 3; *North-West African Company*, May 10; to ditto, May 16, 1888 (not printed).

‡ List of Papers: Mr. Davidson, September 6; Sir J. D. Hay, August 9 and September 23, 1886; *North-West African Company*, July 12 and 28, August 16, 1887; April 28 and May 4, 1888.

from a more recent letter received from them (the 23rd April, 1888) that an attack had been delivered against their Settlement, resulting in loss of life; but whether the assailants were merely irresponsible robbers or emissaries of the Sultan was not at that time ascertainable.

That Sir Julian Pauncefote was to request that we would take the papers transmitted with his letter into our consideration, and that we would favour your Lordship with our opinion as to whether the position of the Company at Cape Juby was such as entitled them to the active support and assistance of Her Majesty's Government; and also whether, if it should be clearly ascertained that the recent outrage was committed by persons under the authority and control, or acting at the instigation of, the Sultan, Her Majesty's Government could legally insist upon His Highness giving adequate redress and compensation to the Company in question.

That your Lordship would be glad at the same time to be favoured with any general observations which we might have to offer on the case.

We were also honoured with a Memorandum from Sir Julian Pauncefote, dated the 5th instant, covering a letter of the 4th May, which had been received from the North-West African Company, giving details of the recent assault by Moorish soldiers on the Company's employés at Cape Juby, which resulted in the murder of Mr. Morris, and stating that he was to request that that letter might be taken into consideration with the papers already forwarded from the Foreign Office on the subject.

In obedience to your Lordship's commands we have taken the papers into our consideration, and have the honour to report—

That, in our opinion, Her Majesty's Government cannot properly support the claim of the Company that their factory is exempt from the jurisdiction and authority of the Sultan of Morocco. The Company is, however, entitled to the protection of Her Majesty's Government against violent aggression upon the persons and property at such factory, but has no rights which it can set up against that which the Sultan of Morocco possesses of regulating as he pleases, without regard to the interests of the Company, the trade and commerce of Morocco.

The evidence that the affray which occurred on the 25th March resulted from the action of persons whose conduct was authorized or instigated by the Sultan appears to us to be very slight. If this were proved, Her Majesty's Government would be called upon to insist that reparation should be made, and, even in the absence of such proof, we are of opinion that remonstrances may properly be addressed to the Sultan, and that he should be called upon to investigate and, if necessary, to punish the conduct of which his soldiers are alleged to have been guilty.

We have, &c.
(Signed) RICHARD E. WEBSTER.
EDWARD CLARKE.

No. 3.

Sir W. K. Green to the Marquis of Salisbury.—(Received July 24.)

(No. 7. Africa.)

My Lord,

Tangier, July 17, 1888.

IN connection with my despatch No. 6, Africa, of the 9th instant,* I have the honour to transmit herewith, for your Lordship's information, copies of two further statements, containing evidence gathered from natives, concerning the Cape Juby outrage, which, this time, have been forwarded to me from Mogador by Mr. Consul Payton.

With regard to Mr. Joseph L. Ratto's statement, Mr. Payton explains that that gentleman is desirous that his name should not, unless it should be absolutely necessary, be brought forward in connection with the matter, as, being engaged in business with the Moorish authorities, his interests might suffer should they learn that he has been instrumental in denouncing one of the chief participants in the murder of Mr. Morris.

I have also the honour to transmit herewith a translation of a note I have this day addressed to Cid Emfadi Gharnit, calling upon him to make known to the Sultan my demand for the immediate arrest of Kaid Abderrahman-el-Fekkak, who, it

* Not printed.

[Inclosures in No. 3, which should have appeared on p. 84.]

Inclosure 1 in No. 3.

Memorandum by Sir J. Drummond Hay.

MR. FERGUSON and Mr. A. Brookes, of the Northern West African Company, requested me to grant them an interview, to learn my opinion upon the subject of their late communication with the Foreign Office regarding the claims their Company had put forward on account of the destruction of property at Cape Juby, and that I should afford them advice as to what course they should pursue in this question.

I informed these gentlemen that my official functions in Morocco had ceased, and, therefore, the views I entertained on this subject might prove of little or no value should they differ from the views entertained by Her Majesty's Government.

I told Messrs. Ferguson and Brookes that I would not conceal from them that I had always been of opinion, from the very first, when Mr. Mackenzie had proposed to Her Majesty's Government a scheme of flooding the Sahara, and, when this was found to be impracticable, had entered into a bargain with a Sheikh of Wadnoon for the purchase of the site (Farfaya) at Cape Juby to establish a factory, that no beneficial result would thereby be brought about to British interests for the development of trade in those regions, and that the occupation of the territory in question, which had been regularly sold to the Company by the Sheikh of Wadnoon (who was a rebel subject of the Sultan) would lead hereafter to vexatious questions.

That though the British Government and I, as their Representative, had always regarded Wad Draz as the southern boundary of the Sultan's dominions, and in support of this view had referred to Maps of North Africa and to past correspondence with the Moorish Court, yet there was no document in the archives either of the Foreign Office or Legation at Tangier to prove that the Sovereigns of Morocco had accepted Wad Draz as the southern confines of their dominion, and that His Majesty Mula Hassan had never acquiesced in that view, but, on the contrary, had frequently declared that Maps drawn up in England or elsewhere could not be accepted by him as fixing the limits of his dominions; that the Sultans of Morocco had conquered territories in the Sahara as far as Timbuctoo; that the Sheikhs of Wadnoon were their subjects, dwelling within the frontier, which the British Government accepted, and that they, the Sheikhs, had no authority from His Majesty to sell Farfaya or Cape Juby, especially as the Arab tribes of Jekra and At-el-Jama were nomad tribes belonging to Morocco, and, further, the Moorish Government had intimated that England and other countries had never considered that they were bound by Maps to keep their dominions within fixed limits.

I told Messrs. Ferguson and Brookes that, notwithstanding the repeated protests of the Sultan regarding his rights as Sovereign of the disputed Treaty, I had, as directed by Her Majesty's Government, warned His Imperial Majesty against committing any act of aggression upon the property of British subjects who had established themselves at Farfaya with the alleged consent of the inhabitants in that district.

In 1880, when the store of the Company was burnt by a hostile tribe as supposed at the instigation of the Moorish Government and trade was stopped, caravans and Arab traders being prevented from approaching the establishment, that when these events took place, I had suggested to Her Majesty's Government that it would be desirable that the Company should come to an arrangement with the Sultan for the purchase of their property, that the Moorish flag and not the British should be hoisted, Customs officers appointed by His Sherrefian Majesty, and the Company might then continue its business under the protection of the Sultan.

I said I had suggested this, for I foresaw that when the Sultan carried out his declared intention of establishing his authority in the Soos and of opening a port in the southern part of that province, to enable the inhabitants to export their produce and to import European manufactures, which His Sherrefian Majesty had long been urged to do by Her Majesty's Government, to put a stop to the filibustering enterprises of French, Spanish, and English subjects during the last forty years. The factory at Cape Juby would become worthless, for Sheikh Beyrook and his family, and all the tribes

in that province, would return to their allegiance to the Sherceefan Emir Mulai Hassan as their temporal and spiritual Sovereign, and would disavow any Treaties or irregular compacts they had unlawfully entered into, and would be the first to pillage the caravans going to or coming from Cape Juby.

I said that what I foresaw had now come to pass, the Sultan had established his authority, and is building a port at Sekka (*alias* Causado) near Wad Draa, which is to be opened to trade, and that not only the inhabitants of Soos and tribes of Sahara, but also European merchants would give the preference to a port where they could carry on a legitimate trade with the recognized authorities of the Sultan, than to a site occupied by an English Company whose right of possession was called in question, and where there would be no security for traders or property after leaving the walls of the English fort. I said that I knew that little or no business had been done at Cape Juby, and that from information received, it is not supposed there was 200*l.* worth of property in the store when it was pillaged, as alleged by Sultan's troops or tribes under His Sherceefan Majesty's authority.

I told the gentlemen that if Her Majesty's Government consulted me upon this question, I should not hesitate in repeating the opinion I had frequently expressed, that it would be advisable that Her Majesty's Government should not take any steps to recognize Cape Juby as being under their protection, and that I should suggest that an effort should be made by my successor to settle this vexed question, by seeking to induce the Sultan to come to a reasonable compromise with the Company for the settlement of their claim, and for the cession to His Sherceefan Majesty by purchase of the site, which if agreed upon could be arranged by a Commission, or by some disinterested party; and that if this was done I considered the Company would be very fortunate, for they would get rid of what I described as a "white elephant," which would only entail expense, and be a constant source of vexatious and unfriendly questions between England and Morocco, who had a common interest in remaining good friends.

That I was persuaded the Sultan, who is very obstinate in such matters, would not give up his pretensions of sovereignty over Cape Juby unless menacing language was resorted to, and a squadron was sent to support such a demand. That had Cape Juby been situated upon or near a sterile territory, inhabited by a people disposed to trade such as the territory of the Niger River or Niger, and the British Government had desired to protect such an establishment with the view of facilitating trade with Central Africa and Timbuctoo, and thus have a vantage ground over similar projects of France from Algeria to Senegal, political considerations regarding Morocco might have been set aside; but I maintained that Cape Juby was not situated in a position which held out any hopes that it could ever be made use of as an important emporium for trade with Timbuctoo or with other parts of Central Africa, or that any advantage by an extension of British territory could be hereafter effected in that region. That, though there was an oasis to the south of Cape Juby of no great extent, the desert was between Juby and Timbuctoo, and the route to Morocco via Soos or via Senegal or Algeria were preferable for traders, and I repeated, therefore, that it was my opinion Her Majesty's Government should never take any step to recognize the establishment of the North African Company.

I said that I believed the Commander of Her Majesty's ship "Albacore," who had lately been sent to visit Cape Juby, would be able to afford valuable information to Her Majesty's Government regarding this question, and that I had no doubt he would entertain similar views to my own after having visited the site, which I repeated I had never been able to do.

The gentlemen presented me with Sir Joseph Leo's interesting address to the Manchester Geographical Society and some plans.

They thanked me for having told them frankly my opinion and views, which I clearly repeated were entirely of an unofficial character, and might be considered of no value if it happened that Her Majesty's Government differed from my opinion. I informed them that I should take an opportunity before I left town this week of making known to Her Majesty's Government the language I had held to them.

(Signed) J. H. DRUMMOND HAY.

August 9, 1886.

P.S.—I have to add that during the course of conversation I mentioned that forty years ago Commander Bonet, of a French brig-of-war, had taken possession of a site near Causado, or Cape Juby, which was sold to the Commander for the French Government by a Sheikh Beyrook of Wadnoon, father of present Sheikh; that as

soon as I heard of the transaction I reported it to Her Majesty's Government, and suggested that steps should be taken to put a stop to these proceedings, which might seriously affect the integrity of the Sultan's dominions, and which might be followed by other encroachments on his sovereign rights.

Lord Aberdeen, who was then Her Majesty's Secretary for Foreign Affairs, made a strong representation to the French Government, who disavowed the act of the French Commander, and withdrew from the coast.

I beg to add that if Her Majesty's Government took the establishment at Juby under their protection, they would be doing exactly the reverse of the course they had pointed out that they expected the French Government to adopt under similar circumstances in 1840.

If the Sultan and the Company come to an understanding regarding the cession to His Majesty of the establishment at Cape Juby, it will be necessary that His Majesty should obtain from foreign Powers the recognition of his rights to that territory.

It is not to be expected that there would be much difficulty in obtaining their consent, for the English establishment at Cape Juby gave rise to considerable umbrage on the part of several Powers, and I am inclined to think, from what I have heard, that one or more Representatives had even encouraged the Sultan to assert his rights to the disputed territory.

J. H. D. H.

Inclosure 2 in No. 2.

Memorandum by Mr. Davidson on the Position of the North-West African Company at Cape Juby.

IT seems clear from these papers that Cape Juby is not British territory, and cannot in any sense be considered as being under the sovereignty of the Queen.

The only legal persons who would seem to have reference to the extent of the rights of property in the North-West African Company have acquired by the alleged purchase of Cape Juby from Sheikh Mohammed, and the consequent duty of Her Majesty's Government to protect them in the enjoyment of such rights.

The circumstances attending the purchase of Cape Juby are involved in some obscurity, but it appears that whatever title to the land the Company now possess comes to them through a Mr. Mackenzie, by whom it was first acquired, and whose name the Company (under the title of "Mackenzie's Society") appears originally to have borne.

Thus Mr. Mackenzie entered into what was probably a somewhat irregular bargain with Sheikh Mohammed, for the purchase of Farfaya (Cape Juby), over which place, if there is some doubt as to whether the Sultan of Morocco did at that time exercise sovereignty, it is at least clear that he has always claimed so to do, and has consistently maintained that it was his. Sheikh Mohammed was without his consent, and therefore wholly illegal.

It does not seem to be disputed that Sheikh Mohammed is now, and was then, a subject of the Sultan; or that the district of Wadnoon (adjacent to Cape Juby) which is situated within the borders of the territory acknowledged by the British Government as forming part of the Sultan's dominions.

The tribes in the vicinity of Cape Juby are nomadic in their habits, but appear to have been properly considered to be subjects of the Sultan. At one time in rebellion against his authority, they have lately formally submitted to his sovereignty, which he now exercises over them, as well *de facto* as *de jure*.

Over the territory of Cape Juby itself, Her Majesty's Government have never admitted that sovereignty on the Sultan's part which he has always claimed, and they have on their part maintained that Wad Draa was the southern boundary of his dominions. No evidence, however, can be adduced to prove that the Sultans of Morocco have ever accepted this view, against which the present Sultan has always strongly protested when it has been put forward.

It appears, moreover, that some forty years ago an acquisition of territory from Sheikh Mohammed's father in the immediate vicinity of Cape Juby, which was made

* Extract from "L'Afrique Explorée."

† Sir J. Drummond Hay's Memorandum of September 23, 1884. No. 367, W. C. A.

‡ Sir J. Drummond Hay's Memorandum of August 9, 1886.

by the Commander of a French brig of war on behalf of the French Government, formed the subject of diplomatic protest by Her Majesty's Government, on the ground that the integrity of the Sultan's dominions was affected thereby. The act of the French Commander was thereupon disowned by his Government, and the action of Her Majesty's Government in respect to this incident could hardly be quoted in favour of the contention that Cape Juby did not form part of the Sultan's dominions, while it might be used as an effective argument in the other direction. These are practically the whole of the materials upon which, at present, to form a judgment, and it will be seen that they are not such as admit of any confident view being expressed.

On the whole, however, I incline to think that the Sultan's arguments are in themselves the stronger; and as, in addition, the onus of establishing their case is rather on the Company, I think that, unless they can make it upon this point considerably more arguable than it is at present, it is not one which should receive much encouragement from Her Majesty's Government.

On the other hand, the Sultan is undoubtedly responsible to Her Majesty's Government for violence and outrage committed on the subjects of this country by persons under his control and within the limits of his dominions, and he is not purged from that responsibility by his declaration, that the acts complained of were not committed at his own instigation, or with his approval.

The case is one in which the North-West African Company can hardly hope to succeed along the whole line, and is one in which they should be prepared to accept the most favourable compromise attainable.

If representations on behalf of the Company are to be made by Her Majesty's Government to the Sultan with a view to attaining this end, the strongest grounds upon which to press them will probably be found in the lawless behaviour of subjects of the Sultan towards those of a State with which he is on friendly terms. From this point of view, I should doubt the wisdom of attempting to maintain that the offending tribesmen were nomads not under the sovereignty of the Sultan, or, indeed, of putting forward the contention that the territory immediately around Cape Juby was not part of his dominions.

W. E. D.

December 6, 1888.

Enclosure 3 in No. 2

Memorandum by Sir J. Drummond Hay.

I HAVE read with attention the papers noted in the margin.*

Their contents have confirmed me in the opinions I had expressed in my Memorandum of the 10th August, 1886.

I have also perused Mr. Wyld's Memorandum, and have marked with pencil and my initials the paragraphs containing opinions with which I concur.

I have numbered in pencil the questions put by the North African Company, and annex replies with corresponding numbers which I suggest might be given.

The grounds on which I make these suggestions are contained in the following summary.

Though the British Government, guided by Maps of North Africa and the traditions at the Foreign Office and the Legation at Tangier, have considered Wad Dna as the southern boundary of Morocco, the Sultans of Morocco have never accepted such limits to their dominions, taking their stand upon the fact of a Sultan in the last century having conquered the Soudan and been acknowledged Sovereign at Timbuctoo; that the Sheikh of Wadnoo, who, it is alleged, sold without His Majesty's consent or knowledge Cape Juby to the North African Company, is, and has been always, considered a subject of the Sultan, and was then an inhabitant of Wadnoo, which is situated within the borders of the territory acknowledged by the British Government as forming part of His Shereefian Majesty's dominions.

That the tribes of Tekna and Ait Jumel dwelling near Cape Juby are nomad tribes, who are and have always been subjects of the Sultan, through a portion may

(1) Admiralty, August 8, (2) Sir J. Drummond Hay, August 10 (3) North-West African Company August 10; (4) Mr. White, No. 4, July 26, (5) Ditto, No. 5, August 13, (6) North-West African Company August 31; (7) Ditto, September 9, (8) Ditto, September 10, 1886.

* See enclosure 2 in North African Company's letter of September 1, 1886.

have for a time rebelled against His Majesty's authority, but have lately given in their entire submission.

That His Shereefian Majesty has now established his authority in the Soos, and received the submission of the above-mentioned tribes and of others dwelling in vicinity of Cape Juby, and thus re-established his authority as Sovereign *de facto* as well as *de jure* over the territory which the above-mentioned Sheikh, a subject of His Majesty, had sold to the North African Company.

That the British Government and other foreign Governments do not consider themselves bound not to extend their territories beyond limits marked as their domains in foreign Maps, or in consequence of irregular transfers or sales of territory by natives without proper authority to foreign subjects.

That His Shereefian Majesty is about to open a port for trade at a site called Sakka, near Wad Dna, and that this step was taken, as also the assertion of his authority in the Province of Soos, in defiance of the British Government.

That the Sultan did not, according to the Vizier's letter of the 14th July, send troops, or order the tribes, to pillage the store of the North African Company, though it is more than probable His Majesty issued a mandate to his subjects at Wadnoo and to the Moorish tribes of Tekna and Ait Jumel not to trade, and to prevent other tribes from trading with the British subjects at Cape Juby to the prejudice of Her Majesty's Customs, and to a port about to be established at Sakka.

That any objection, even if the Sultan under menace of a rupture of relations and of the loss of the part of the British Government agrees to acknowledge the right of the Company to remain in possession of Farfaya, and issued Edicts to that effect, that no trade of any importance could henceforward be carried on with security from pillage by the Company with the neighbouring tribes or the interior.

That the trade of the Company has been comparatively insignificant, and only with the neighbouring tribes.

That Farfaya is not situated in an advantageous position for the development of trade with Timbuctoo, or other important towns of the Soudan, the Great Sahara having to be passed.

That the possession of Farfaya by the African Company, even if an active trade could be carried on, would not in the slightest manner affect or diminish the comparatively small Trade in Slaves between the Soudan and Morocco.

That the Company should endeavour, through the intervention of Her Majesty's Government and their Representative at Tangier, to come to an understanding with the Sultan about the sale and transfer of Farfaya to His Shereefian Majesty.

That the sum required should be paid in advance, and that the establishment at Farfaya, if retained by the Company, will be a heavy expense for the purposes of trade, and entail a heavy expense.

That the Sultan knowing this will not be disposed to give a large price, as he will hardly care whether the Company remain there. Should the Sultan not be disposed to give an adequate sum for the abandonment of Farfaya, an arrangement might be entered into by the Company with His Shereefian Majesty on the payment of a moderate sum, to be paid in instalments, the Moorish flag and admission of Custom officers, &c., to be given in return, and an Edict be then issued by His Shereefian Majesty referring the trade of the Company with his subjects of the Soos, and with the tribes in the Sahara and Soudan.

That the British Government, guided by Maps of North Africa and the traditions at the Foreign Office and the Legation at Tangier, have considered Wad Dna as the southern boundary of Morocco, the Sultans of Morocco have never accepted such limits to their dominions, taking their stand upon the fact of a Sultan in the last century having conquered the Soudan and been acknowledged Sovereign at Timbuctoo; that the Sheikh of Wadnoo, who, it is alleged, sold without His Majesty's consent or knowledge Cape Juby to the North African Company, is, and has been always, considered a subject of the Sultan, and was then an inhabitant of Wadnoo, which is situated within the borders of the territory acknowledged by the British Government as forming part of His Shereefian Majesty's dominions.

That the tribes of Tekna and Ait Jumel dwelling near Cape Juby are nomad tribes, who are and have always been subjects of the Sultan, through a portion may

be a question for international jurists.

Until that question is settled, or menace is resorted to in order to maintain the wishes of the Company, written representations to the Moorish Court will only produce an interminable and futile correspondence.

(Signed) J. H. DRUMMOND HAY

September 23, 1886.

* See paragraph 4 of Commander of "Albacore's" Report, stating that the store was robbed of its contents by a gang of slaves of a local Chief.—J. H. D. H.

† See paragraph 3 in Commander Wint's Reports.—"Trade heretofore carried on has been solely confined to the living within a radius of 30 to 40 miles."—J. H. D. H.

‡ See No. 12 in Mr. Wyld's Memorandum.

Inclosure 4 in No. 2.

Suggestions for Replies to Questions in Paper No. 2 of North African Company of September 9, 1886.

FOR disputed right of sovereignty of Sultan of Morocco, see first paragraph on p. 2 in Memorandum of Sir J. H. Drummond Hay.

2. The sale of Cape Juby by a Sheikh of Wadnoon, a subject of the Sultan, without His Majesty's consent, cannot be properly considered as legal or valid.

Let the documents be produced, and all the circumstances submitted to the opinion of competent judges upon international questions.

3. Steps should be taken in case the establishment called Farfaya or Cape Juby be transferred to the Sultan; that the rights of sovereignty of His Majesty to the said territory and districts to the northwards, as also adjoining districts, with limits defined, to the south and east, be acknowledged by foreign Powers.

4. I do not suppose Her Majesty's Government would authorize the Company to "fire" upon Moorish troops or natives, except in their own defence, until questions of right of territory are arranged; but I do not think the Sultan would care whether the Company attacked the troops or the natives, for such proceedings would destroy all hopes of the establishment of peaceful relations and trade with the interior.

5. See reply No. 3.

6. I suggest that Her Majesty's Government reply in the affirmative to this query, if the compensation required is reasonable. Sultan declares that he never gave orders to troops or tribes to pillage store of Company. It was effected by slaves of a local Sheikh; the property is declared to have been of trifling value.

7. It is not probable that Sultan, except under menace of a rupture of relations with, and hostilities on the part of, British Government, would consent to withdraw his forces from districts where His Majesty has asserted his authority, or that he would give such a document as that required by the Company, unless it was to carry on the trade under the conditions His Majesty might impose, after that the establishment at Cape Juby may have been placed under his flag and jurisdiction.

(Signed) J. H. DRUMMOND HAY.

September 23, 1886.

* See Report of Commander of "A. Barents."

is said, has proceeded to the Sherrefian Court in expectation of being rewarded for the outrage perpetrated at Cape Juby.

Concerning the witness Hadj Dris-ben Allal-el-Hamlaly-el-Fassy, I have thought it advisable not to bring his name, at present, to the knowledge of the Moorish Minister, and to trust to being able to secure the man's presence, if needful, when a final investigation is instituted.

I have, &c.
(Signed) W. KIRBY GREEN.

Inclosure 1 in No. 3.

Statement of Mr. J. L. Ratto, of Mogador, Merchant, to Consul Payton.

THIS morning, Saturday, 7th July, 1888, I met a Moor, named Hadj Dris-ben-Allal-el-Hamlaly (Sherref) Fassy (of Fez), who is a soldier (Edala) in Government service, and was recently at Cape Juby.

The said soldier stated in the course of conversation that he was present when the Englishman (Mr. Morris, the manager of the English Company) was killed; that the Commander (Kaid Err'ha) of the Government soldiers in that district was Kaid-bel-Fekkuk; that a nephew of the said Commander, named Kaid Abderrahman Fekkuk, of the tribe of Shawia, had heard that the Sultan would be very pleased with any man who would kill the "English spy" ("gousass"), and went with his soldier, Gilaly-bel-Boughali, also of Shawia, and met Mr. Morris when he came on shore; they were talking in a friendly way, and Kaid Abderrahman asked Mr. Morris what sort of a gun it was that he was carrying. Mr. Morris began to take the gun to pieces to show him; when it was in pieces, and Mr. Morris defenceless, Kaid Abderrahman gave the word to the said Gilaly-bel-Boughali, Shawia, "Gilub" ("Knock him down"). Then Gilaly struck Mr. Morris on the head with a club from behind, knocking him down; when he was on the ground Kaid Abderrahman told that Gilaly to keep on striking him, and he did, till his head was beaten to pieces; other soldiers were looking on, this Hadj Dris included. The said soldier also stated that they took the Englishman's clothes, two watches, one ring, and some money, but he did not know what became of them; also that Kaid Abderrahman, who ordered the murder, recently went up to Court, having been summoned thither, passing through Mogador about six days ago; that he considered he had done a great thing in carrying out the wishes of the Sultan, and killing a Christian who was a spy ("gousass"), and expected to receive a big reward. This Hadj Dris-ben-Allal-el-Hamlaly, who has just come from Agadir, is going up to Court with letters from the Commander down at Terfaya, Kaid-bel-Fekkuk; that Gilaly-bel-Boughali, who struck the blows, did not go up to Court with Kaid Abderrahman, being afraid, but stayed down there.

I certify the foregoing to be substantially the purport of the statements made to me by the above-named soldier, Hadj Dris-ben-Allal Hamlaly.

(Signed) JOSEPH LEWIS RATTO.

Mogador, July 7, 1888.

In attestation of the signature of Mr. Joseph Lewis Ratto, of Mogador, merchant, who signed the foregoing declaration in my presence.

(Signed) CHAS. A. PATTON,
Her Britannic Majesty's Consul.

British Consulate, Mogador, July 7, 1888.

Inclosure 2 in No. 3.

Notes by Mr. E. Carleton, in the employ of the North-West African Company.

LATE Mr. Morris' initials, S. R. M.

Watch was silver, with white face. Some say he had two watches.

Other Europeans present at the attack. Dr. Somers, Mr. Randleson, Mr. Lee. Seven soldiers were there, including Kaid Abderrahman.

All attacked the other Europeans (after murder of Morris), and when they had run away fired a volley (four shots) at them.

Mr. Carleton with Dr. Somers went about 5 miles south of Cape Juby, hearing that some soldiers had been seen there, but saw nothing of them.

Names known in Juby of the assailants Othman, Gilaly, Kaid Abderrahman Soldiers were under a Kaid Abdullah, belonging to the district.

Ab-el-Deen Bairook, brother of Kaid Dahman, lives near there, but Mr. Carleton does not know if he ever had anything to do with attacking the fort.

Three soldiers, new ones, were recently sent down.

Kaid Mohammed Bollal, one of the Chiefs of the Ezerghien tribe (independent of Bairook), a powerful tribe, about 20 miles from Juby, would be willing to testify that soldiers made the attack.

The Oulad D'hm, from further south, were recently in the neighbourhood. Mr. Carleton and the others were afraid of them, they being very warlike. Ab-el-Deen Bairook is connected with them by marriage.

Mr. Carleton heard that Gilaly, one of those who struck the blows, was afraid, and had gone into the desert.

Plenty of natives about Cape Juby who can testify that soldiers did the deed.

Inclosure 3 in No. 3.

Sir W. K. Green to Cid Emfadi Gharait

(Translation.)

(After compliments.)

WITH reference to my note to your Excellency of the 13th ultimo on the subject of the outrage perpetrated against the Englishmen of the factory at Cape Juby, I beg to inform your Excellency that, having learnt on trustworthy testimony that Kaid Abderrahman-el-Fekkuk, of Shawia, who is accused of having caused the attack on the Englishmen and the murder of Mr. Morris, has arrived or is about to arrive at the Sherrefian Court, I hereby call upon your Excellency to make known to the Sultan without delay my demand that the said Kaid Abderrahman-el-Fekkuk be immediately arrested and held ready to submit to the trial which Her Majesty's Government will require shall be instituted as soon as the evidence concerning the outrage shall have been fully collected and prepared.

This matter is of so serious a nature that I feel it is my duty towards the Maroccan Government to warn your Excellency that if my demand is in any way neglected or disregarded a very heavy responsibility will weigh upon it.

Peace.

Dated the 17th July, 1888, corresponding to 7th Dhi-Kadde, 1306.

(Signed) W. KIRBY GREEN

No. 4.

Sir W. K. Green to the Marquis of Salisbury.—(Received July 28.)

(No. 8. Africa.)

My Lord,

Tangier, July 20, 1888.

WITH reference to your Lordship's despatch No. 2, Africa, of the 19th May last,* I have the honour to transmit herewith, for your Lordship's information, translations of a note addressed by me to the Moorish Minister for Foreign Affairs on the subject of the outrage committed against the Englishmen belonging to the factory at Cape Juby, and of the reply, and its enclosure, now received by me from his Excellency.

I have refrained from immediately acknowledging the Moorish Minister's reply, as perhaps your Lordship will direct me to state to his Excellency that Her Majesty's Government decline to reopen the discussion as to the ancient rights of the Sultan of Morocco over the district adjoining Cape Juby and other portions of the Western Sahara, and that they cannot absolve the Maroccan Government of responsibility in the recent lamentable occurrences, as they appear to have been directly dependent on the presence at Tarfaya (Juby) of Moorish officers and soldiers.

I also propose, under your Lordship's sanction, to abstain from meeting Cid Emfadi Gharait's attempt to account for Mr. Morris' murder through Dahman-ben-Bairuk's statement that he was killed by independent Arabs whilst on the mainland.

* See No. 1.

during the night until I am placed in a position to bring, in a final manner, the whole matter of the outrage under the Sultan's consideration.

I have, &c.

(Signed) W. KIRBY GREEN.

Inclosure 1 in No. 4.

Sir W. K. Green to Cid Emfadi Gharait

(Translation.)

(After compliments.)

Tangier, June 13, 1888.

YOUR Excellency is aware that it is now some time since I have held instructions to address the Sherrefian Government on the subject of the outrage committed on the Englishmen of the British factory of Cape Juby, but that, bearing in mind the fast of the month of Ramadan, I thought it would mark consideration on my part for the Sultan's Government to allow it to expire before calling upon your Excellency to submit the following observations to His Majesty the Sultan with reference to the reply which your Excellency addressed to me on the 13th Shaban (25th April), and the view taken by Her Majesty's Government of the aforesaid deplorable occurrences.

I am directed by Her Majesty's Government to state to the Sherrefian Government that the North-West African Company had a clear right to station themselves at Cape Juby if they thought fit to do so, and that even if His Majesty the Sultan succeeded in annexing the district subsequently to their occupation, he had no right to injure the Company's property nor to endeavour to expel them by force.

I am further ordered by Her Majesty's Government to state that they hold the Moorish Government distinctly responsible for the recent cowardly attack on and slaughter and wounding of the British subjects, and that they will demand full compensation, and the punishment of the men who shall be proved to be guilty.

I am also desired to impress upon the Sherrefian Government the very serious light in which Her Majesty's Government look upon the late outrage, and to state that it is expected that prompt attention will be paid to my representations.

Under these circumstances I have to urge your Excellency most strongly that immediate steps should be taken for the arrest of the Askars (so called) who committed the outrage. In doing so I must remind your Excellency that the men are perfectly known, that they will have to be identified by the Englishmen who escaped murder at their hands, and that they belong to a district (Shawia) which is completely under the Sultan's control.

I must also call upon the Sherrefian Government to obtain restitution of the ring, watch, and other valuables abstracted from the body of the murdered Mr. Morris, and which valuables, it is a notorious fact, are now in the possession of individuals in authority.

Prompt compliance with these preliminary demands will go far to prove to Her Majesty's Government that the Sherrefian Government is determined to afford the requisite reparation for the outrage.

Peace.

(Signed) W. KIRBY GREEN.

Inclosure 2 in No. 4.

Cid Emfadi Gharait to Sir W. K. Green.

(Translation.)

(After compliments.)

I HAVE received your letter saying that it is now some time since your [glorious] Government instructed you to inform the Sherrefian Government that the English Company at Cape Juby had a right to establish themselves there if they thought proper, and that even if the Sultan had succeeded in annexing that district to his dominions after they had established themselves there, he had no right to injure them nor to expel them by force, and that (the British Government) will exact from His Sherrefian Majesty compensation for the attack committed by the soldiers on the Company's factory at the aforesaid place, and for the murder of one of their number and for wounding the rest, as also the punishment of those who shall be proved to be

guilty of the deed, and the restoration of the ring of the murdered man, his watch, and his other things robbed, as they were in the possession of some persons in authority there; and that, as you received these instructions in the month of Ramadan, you thought it right to postpone informing His Sherrefian Majesty of this till the expiration of Ramadan, out of respect to His Majesty.

I have brought your letter to the august knowledge of our lord, and His Majesty—may God render him victorious—has taken note of all who have stated therein, and—may God strengthen him—has commanded me to answer you on this matter that if that which has reached the ears of your Government, and is above detailed, is in accordance with facts, then the judgment suggested by you is perfect justice; but it is not clear how the aforesaid Company had a right to establish themselves in that place, for that port is not conceded to commerce, nor is there any permission from the (Moorish) Government for commercial operations to be carried on there, and the only places which are set apart for and open to commerce are the ports known to everybody for exportation and importation, where other merchants of the nations carry on business. The act of that Company in settling at this place and building there a factory for commerce without the permission of the Government of the country is nothing but a disregard of authority and an encroachment (on the rights of) the Government in its own country, encouraging others to do likewise, and (2) that this district has not been annexed to Morocco since the establishment of the Company at Juby, but has belonged to it from ancient times, for its tribes have recognized the authority of the preceding Kings of the States of the West, and they exercised sovereignty there and in the countries beyond as far as the Sudan without dispute or opposition, and in the same way our lords and masters the predecessors of our lord rendered victorious by God the Lacked ones, have exercised jurisdiction there as far as the Sudan and its adjacent districts concerned their authority, or supremacy. Among them was the tribe of Tekna, which I have continued to belong to the Imperial "grish" until the present time, only that the Government has not turned its face in that direction at certain times, because (that district) was out of the way and did not fall within its path, and the men of that tribe were few in number; but when the Government saw that others had views on that place, it directed its attention thither and placed Governors over the tribes neighbouring to Juby, and set guards to the ports of the district, (composed) of the tribes inhabiting it and of (troops of) the Government. The Government informed the then Ambassador of the fact, and spent a considerable sum of money on those guards, on their pay, and on the purchase of arms to provide them with water, that district being dry and devoid of water.

Our lord—may God make him mighty—has also commanded me to answer you as to compensation being given by the Government for the attack on the factory which the Company built in the teeth of authority, and for the killing, wounding, and robbing of members of the Company there: that the Kaid Abderrahman-ben-Bairouk of Tekna had given information that a Christian of the Company had been sent out at night and approached the guard and set some Arabs, who killed him, and was seen from his letter which is inclosed; and that His Majesty—may succour be continued to him—has ordered an inquiry to be held in the matter, in order that the question may be settled in accordance with justice and the friendship which exists between the two parties, so that if the inquiry should show him (the Englishman) to have gone out at night to the vicinity of the guard, as stated by the aforesaid Kaid, then the responsibility shall rest on himself for having imprudently ventured to approach the guard at night, and the responsibility shall not be on the guard, which has been put there for no other purpose but to guard that district; and as to the watch, the ring, and the other things, they will certainly be returned by those who have taken them against payment.* A Sherrefian Order to this effect has been issued to the aforesaid Kaid. But if the inquiry should disclose the occurrence of an attack on the factory, and murder, wounding, and robbery in the manner you informed us of, then the judgment is that which you pointed out, viz., arrest of the perpetrators, and restoration of the stolen things, and a Sherrefian Order in this sense has been issued to the above-mentioned Ben-Bairouk. And in this manner the friendship between the two sides will remain unimpaired, and a settlement of the question between the two friendly Governments will not be far at hand. And (I am also to answer you) that your delay in bringing this under the notice of His Sherrefian Majesty, until the expiration of the month of Ramadan, from respect to His Majesty, is (in accordance with) the opinion entertained of you, for you are of a friendly Government, and you are thanked by His Majesty for

* It is understood from the statement that the Sultan was informed of the attack on the factory.

this; also that His Sherrefian Majesty desires of your friendly Government that it examine this matter in the light of fairness, and act in the matter in the way required by the friendship which exists between the two sides, by compelling the Company to remove itself from Juby and not to return, for if it remains there, there is no doubt that some other party will land at some other spot in that neighbourhood. If this were not the case, the matter would be easy between the two friendly sides, and there would be no desire on the part of the Sultan's Government for its (the Company's) removal, but as its remaining there would lead to what has been stated, the Sherrefian Government feels bound to request of Her Majesty's Government its removal, as it (Her Majesty's Government) does not desire that any encroachment should be committed on this Empire by others, and particularly not by those who are among its own subjects. May you continue in prosperity.

Finished the 19th Shawwal, 1305 (30th June, 1888).

(Signed)

MUHAMMED-EL-MUFADDAL BEN
MULHAMMED GILARNIT.
(May God be for him.)

Inclosure 3 in No. 1.

Kaid Dahman-ben-Bairouk to the Sultan of Morocco.

(Translation.)

18 Rejeb, 1305 (March 31, 1888).

PRAISE be to God alone, and may God pour out blessing on our Lord Muhammed and his family and friends. May God continue might and authority and unquestioned victory to the defender of the nation and of the faith, our lord the Commander of the Faithful. Perfect peace, and long may he live, and the respect due to his position. It is brought to the knowledge of our Sherrefian Master that one of the Christians who are at Tarfaya (Juby) went out by night to the vicinity of the guard and met some Arabs, and they killed him. Hereby we inform our lord of the fact and (remain) in service and obedience, and solicit of our lord good wishes.

Peace.

(L.S.)

No. 5.

North-West African Company to the Marquis of Salisbury.—(Received August 3.)

My Lord,

132, Chancery Lane, London, August 2, 1888.

I HAVE now the honour to forward herewith a statement of claim against the Sultan of Morocco for damages incurred by my Company in consequence of interference with the rights and privileges enjoyed by all Her Majesty's subjects. The statement, together with the affidavits, can be proved to be true by evidence in possession of the Company. Any further information which may be required by your Lordship will be forthcoming in due course.

I have, &c.

(Signed)

JOSEPH C. LEE, Chairman.

Inclosure 1 in No. 5.

Statement on behalf of the North-West African Company (Limited).

To the Right Honourable the Marquis of Salisbury, K.G., Her Majesty's Secretary of State for Foreign Affairs.

My Lord,

August 2, 1888.

THE conduct of His Sherrefian Highness the Sultan of Morocco towards the North-West African Company, and the claims which the Company are entitled to press against His Highness, have formed the subject of previous correspondence between your Lordship and your Lordship's predecessor and various members of the Company acting under the Company's behalf.

2. Although hitherto it has appeared to Her Majesty's Government that there was a good reason for entertaining grave suspicion that the Company's claims against His

Highness the Sultan were well founded, Her Majesty's Government have always declined to take definite action in the matter until it could be proved to their satisfaction that the injuries received by the Company were directly attributable to the Sultan's conduct. As your Lordship is aware, an outrage of singular atrocity was recently perpetrated at Cape Juby, whereby Mr. Morris, the Company's Manager, lost his life, and Dr. Somers and Mr. Randleson, both in the employment of the Company, were seriously wounded. This was the natural result of a continuous course of conduct which has been pursued by His Highness the Sultan for a series of years. This outrage is directly connected with His Highness, and, taken in conjunction with other acts, in themselves less criminal, but also directly attributable to him, it points irresistibly to the conclusion that many earlier acts seriously affecting the interests of the Company and the safety of their servants, which had not hitherto been conclusively brought home to His Highness, are the result of his hostile influence. The situation has assumed so serious and threatening an aspect that the Company have deemed it advisable to lay their case fully before your Lordship for your Lordship's consideration.

3. The land upon which the Company's Settlement is situated lies upon the north-west coast of Africa, a considerable distance south of the Wad-draa; it extends along the coast between Cape Juby and Stafford Point, and contains the harbour now called Port Victoria. At the date of the Company's settlement this harbour had never been used as a trading station, either by the native Sheikhs or by any other Power, and, with the exception of a few Foycats or fishermen who resided there, the land was practically unoccupied. The advantages which the territory possesses as a trading station have already been brought to the notice of Her Majesty's Government, both by the Company and by Her Majesty's Ministers accredited to the Sultan of Morocco. The climate of Cape Juby is temperate and healthy; spring water is found within a quarter of a mile from Port Victoria; the soil in the immediate neighbourhood is capable of profitable cultivation, and it is surrounded by the fertile country of the Western Sahara. Its position is favourable for trade; 1,500 miles separate it from England, and 800 miles from Timbuctoo. It is the only practicable port between Agadir and Cape Bojador on that coast, and there can be little doubt but that if a breakwater were constructed, and part of the reef removed, it would be capable of receiving vessels of the largest tonnage. From this point trade could be carried on through the great caravan route from Tendoof to Timbuctoo, and through several routes of less importance, and in the course of time a valuable opening would be acquired for the introduction of British manufactures to the Soudan, and for the development of the country. The Company were not without hope that their presence would have the effect of lessening the deplorable Trade in Slaves which is carried on without restraint between Morocco and the interior.

4. Mr. Donald Mackenzie, the founder of the Company's present Settlement, first visited Cape Juby in the year 1876. He was received with expressions of the utmost friendship and good-will by the natives, who were anxious that he should settle and trade among them. Mr. Mackenzie had already communicated to Her Majesty's Government his possible intention of establishing a commercial station upon the coast, and he had been encouraged in his design by the assistance which Her Majesty's Government accorded him. He was informed on the 12th August, 1875, that Lord Derby had instructed Her Majesty's Representatives at Morocco and Teneriffe to afford him all proper assistance, and Sir John Drummond Hay was further instructed to bespeak the interest of the Moorish Government on his behalf. On the 22nd September, 1875, Mr. Mackenzie was assured that the Acting British Consul of Teneriffe and the authorities of that island would give him all assistance, and on the 1st October of the same year Her Majesty's Minister at Lisbon was directed to apply to the Portuguese Government that facilities might be given to Mr. Mackenzie to search the records of the Portuguese stations which had formerly been established in that part of Africa. Mr. Mackenzie had also indirectly received the assurance that His Highness the Sultan of Morocco could be counted on if not as a protector as a friend, since Sir Drummond Hay reports on the 27th August, 1875, that Cidi Mohammed Bargesh, the Sultan's Minister, had informed him of his Imperial master's friendly feeling, at the same time that he regretted he could be of no service to Mr. Mackenzie, because the country south of Wadnoon was beyond the limits of his power. Under circumstances such as these Mr. Mackenzie had every reason to carry out his plans. He visited Cape Juby again in 1878, and again he received an equally warm welcome. In the early part of 1879 Mr. Mackenzie made a new visit, and on the 19th April a Charter of Concession and Terms of Agreement were solemnly drawn

up and executed, after a Council of the natives had fully considered the matter between himself and the Sheikh of the Ait-el-Jamel tribe, which is located upon the country surrounding Cape Juby, conveying to Mr. Mackenzie the portion of land where the Company's Settlement now is, and binding the heirs and successors of each of the Contracting Parties. This Charter of Concession was subsequently confirmed by the leading Sheikhs on the 20th July, 1879.

5. The title of the Company dates from this Charter of Concession, and it is therefore, I submit to your Lordship, important to observe what was Mr. Mackenzie's position. He had engaged in his undertaking with the full knowledge and approval of Her Majesty's Government; his scheme had been communicated to the Sudan's Minister, who had received it with no expression of dissent; on the contrary, with expressions of general friendliness. He was not only himself greeted cordially by the native Sheikhs, but they anxiously endeavoured to persuade him to remain at settle as a trader amongst them. Evidence in a documentary form that these feelings existed has been preserved in the form of a certificate to that effect drawn up by the British Vice-Consul at Lanzarote, and dated the 5th August, 1876, and also in a letter by the Sheikh Barook, Chief of the Ait-el-Jamel tribe, to your Lordship, and forwarded to your Lordship in the month of September 1870.

6. Mr. Mackenzie, having thus obtained a site whereon to establish a factory for the purposes of trade, returned to England, and again set out for Africa with a brig, the "Amazonia" which he towed from the country and moored it a considerable distance from the shore of his recently-acquired estate, and to carry on immediate trading operations he erected a wooden store and dwelling-house on shore to serve until a more substantial factory could be built. His undertaking had up to that time been so fortunate and the prospect of commercial success was so promising, that on the 30th December, 1870, when Mr. Mackenzie was for a short time in England, the Settlement, and Mr. Mackenzie's interest under the Charter of the 19th April, 1879, confirmed on the 26th July, 1879, were made over by him to a Company, "The North-West African Company (Limited)," with Mr. Mackenzie on its Board of Directors, then formed for the purpose of carrying on trade at Cape Juby.

7. Mr. Mackenzie proceeded for the sixth time to the Settlement in 1880, and reached Cape Juby early in February. He found matters progressing satisfactorily, and no diminution in the friendly feelings of the natives, and accordingly the Company at about this time prepared to build a factory of stone on shore as a permanent warehouse for the goods and to afford accommodation for the various members of their staff. No opposition whatever was offered to their doing so either by the native Sheikhs or by the Sultan's emissaries.

8. I now have to draw your Lordship's attention to an occurrence of some importance in the history of the Company. On the 24th February, 1880, the Settlement was visited by Abd-el-Kader, a Secretary to the Sultan, the Sultan's Governor or Judge of Terodant, and the Sheikh Abdeen, the brother of the Sheikh Barook, with a retinue of slaves and soldiers. Mr. Mackenzie was at first completely at a loss to understand the nature of their business, but he received them with a friendly welcome, and they were hospitably entertained both by himself and also by the Sheikh Barook. They showed no open hostility to the Company, perhaps because, in answer to a significant question by Abd-el-Kader to Mr. Mackenzie, they had been told that the Settlement had been established with the sanction of Her Majesty's Government; but sinister rumours, which in that country spread with singular rapidity and exercise an enormous influence over the minds of the natives, had been circulated amongst the natives. It was reported that the anger of the Sultan had been kindled by the success attending the Company's enterprise, and by their commencing building operations upon their land; that His Highness the Sultan had offered bribes to the Sheikhs if they would prove faithful to the Company, and that he would severely punish any one caught trading with them. The Sheikh Barook, however, told Mr. Mackenzie that the Sultan had issued orders that trade should be permitted to Mr. Mackenzie, and was warned that he was in personal danger, and that attacks on his life were in a probability being attempted.

9. From the date of Abd-el-Kader's visit, except when for short intervals the hostile influence of the Sultan was relaxed, the Company's business was hampered. The efforts of the Sultan's agents were not entirely successful. Barook refused to turn against the Company, but finally he declined to extend further hospitality to his visitors. Accordingly they all took their departure for Morocco, only Abdeen, Barook's brother, remaining behind at Wadnoon, whence he continued to exercise a hostile influence, as the Company have

good reason to believe, in accordance with the Sultan's commands. Some short time after this visit Abdeen again appeared and the news was again spread broadcast, and the greatest excitement prevailed. On the 19th June, when Mr. Mackenzie was absent at the Canary Islands, the Company's wooden house was fired in the night by incendiaries and burnt to the ground.

10. At this time the Company were engaged in building their stone house on shore. The work was progressing satisfactorily with the assistance and co-operation of the natives, but, on the arrival of Abdeen, the religious fanaticism of the tribes was excited against the Company, the men who were building were driven away from the work by Abdeen and his followers, and the building for a time had to be entirely abandoned. For greater safety the Directors of the Company then caused a stronger building to be erected on the reef some 600 yards from the shore. This was a work which occupied two years in its completion, and occasioned the Company no inconsiderable difficulty and expense, for the natives were now afraid to work for the Company, and consequently both building materials and labour had to be imported from the island of Lanzarote.

11. After these outrages the Directors were compelled to appeal to Her Majesty's Government for protection, and they then communicated to Her Majesty's Government their belief that Abdeen had been prompted in his action by the Sultan; and they contended that the Sultan was responsible for the damage which the Company had sustained. Lord Granville thereupon placed himself in communication with Her Majesty's Representative in Morocco, and on the 4th February, 1881, at his Lordship's direction, a letter was written by Her Majesty's Government to Mr. Henry Lee, M.P., who then represented the Company, informing him that the burning of Mr. Mackenzie's house in June last is believed, not without reason, to have been instigated by secret emissaries of the Sultan, and so strong was the belief in this respect of Her Majesty's Government at this time that they warned the Sultan, "that he would be held responsible by them for any injury to the life and property of British subjects occasioned by attacks directly instigated by the Moorish Government." Finally, Mr. Lee was told by Her Majesty's Government, "The Company may rest assured that all reasonable efforts will be made by Her Majesty's Government to protect British subjects in the territories in question from the danger to which they may be exposed at the hands of the native Chiefs."

12. Matters connected with the Company in a very unsatisfactory condition. From time to time their trade might show signs of improvement, but throughout they were unable to counteract the evil consequences which the Sultan's secret hostility to themselves entailed upon it.

13. The next incident of importance which should be brought to your Lordship's attention was a visit, in or about the month of August 1882, of a deputation of Moors from Morocco. Amongst them was the Sultan's deputy and cousin, Sidi Dakhaman, Sheikh of Wadnoon and the brother of the Sheikhs Abdeen and Bairook, and a Kair with four soldiers. There can be no doubt that these men were the soldiers of His Sherrefian Highness; they were elegantly dressed, and dressed with yellow facings, blue trousers, yellow slippers, and red fez, and they were encamped in tents of the pattern used in the Moorish army, having a crescent on the tent pole plainly visible at the top of the tent. At present I am not aware that anything remarkable happened upon this occasion beyond the fact of the visit itself.

14. In October 1883 the Sheikh Mohammed Bairook died, and he was succeeded by his son, a lad of 16, named Embarak. This was an unfortunate event for the Company. Bairook had been their friend, but Embarak, although he himself was by no means ill-disposed towards the Company, was greatly under the influence of his uncles, Abdeen and Dakhaman, Sheikhs of Wadnoon, who were intrusted with the execution of the Sultan's policy. Abdeen now endeavoured to impose terms for trading upon the Company of the most oppressive kind. They were, of course, refused, whereupon he threatened to compel the Company to abandon their factory. There can be little doubt as to Abdeen's motive. It was the common belief among the Sheikhs that Abdeen was acting under the orders of His Highness the Sultan, and was in his pay. By this time the Company had suffered so severely, they had so much at stake—for 60,000*l* and upwards had already been expended upon the station—and they met with so much malicious opposition and interference, that on the 25th April, 1884, Sir Joseph Lee, on behalf of the Company, addressed to Her Majesty's Government a fresh complaint and formally gave notice to Her Majesty's Government that a claim for damages by the Company against His Sherrefian Highness the Sultan must follow as the inevitable consequence of the conduct of the Sultan and his agents.

15. It seemed again to Her Majesty's Government that the Company had just cause of complaint against the Sultan, and accordingly Sir John Drummond Hay was instructed to communicate with the Sultan's Vizier. On the 26th May, 1884, Sir Drummond Hay did so. In his letter he reminds the Vizier that in 1882, on the 16th September, and on the 5th December, the Sultan had twice been warned against interfering with British subjects at Cape Juby, and he continues: "I am directed by Her Majesty's Government to repeat the warning in the strongest terms, and to point out that a very serious question arises if Abdeen, who is a subject of His Sherrefian Majesty, or other persons of the same status, or even his agents, of His Sherrefian Majesty, or of his adherents, should occasion by their actions the loss of life or property to British subjects."

16. At the same time that the Company were thus being dealt with by His Highness the Sultan, Her Majesty's Government were also dealing with the Sultan. Their interest in Cape Juby probably led them to view with some jealousy the Sultan's Government's possible relations with the Government of His Majesty's Highness the Sultan of Morocco. The Company's Settlement at Cape Juby had always been regarded with jealousy by the Governments of France, Germany, and Spain, and at this time there appeared to be a prospect of disposing of the settlement in a more or less of those three Powers. Accordingly, on the 18th July, 1884, Sir Joseph Lee wrote to Lord Edmund Fitzmaurice informing him of the Company's intention to endeavour to effect a sale of their Settlement and Interest in Cape Juby to either France, Germany, or Spain. Their hopes in this direction were, however, destroyed, for on the 28th July they were informed that Her Majesty's Government would not give any countenance to such a proceeding.

17. Disappointed in this quarter, the Company determined to retrieve the reverses which the Sultan's action had brought upon their trade by entering into commercial relations with Sheikhs resident in districts which they might believe were beyond the reach of his influence. They had already visited the River Oued and the district in its vicinity in the year 1880. Wold Aidah, the Sheikh of Adrar, a country four days' journey from the Oued, and through which passes the trade route to the Senegal, had wished to enter into relations with the Company, and offered, they would have a statement of the Oued to protect them and to use his influence to bring the trade of his dominions to their station. The Company felt that they would not be justified in asking further, until they had some guarantee that any rights they might acquire on the Oued would be respected, since they had reason to believe that Spain intended to annex that part of the coast of Africa. They therefore appealed to Her Majesty's Government to declare that that coast should be considered neutral by European and American nations. Her Majesty's Government did not see fit to comply with the request. In 1887 Spain did annex the country, and the prospect of opening up trade from the Oued with Wold Aidah and the tribes of Adrar was at an end.

18. Under these circumstances the Company continued to appeal to Her Majesty's Government for the protection which they so urgently needed. In the year 1886 the persistent persecution to which they had continually been subjected at the hands of His Highness the Sultan entered upon a new phase. In the early part of the year 1886 His Highness the Sultan came down to Wadnoon, apparently for the purpose of endeavouring to establish his power over the tribes between Wadnoon and the Wad-dran, and also over those south of the Wad-dran, and from this time forward, I respectfully submit to your Lordship, there can be no room for doubt that the injuries which the Company and their servants have suffered and are still suffering are directly connected with the Sultan, and that His Highness is responsible for the wrongs to which they have consequently sustained. The Company will be able to produce the evidence of native Sheikhs, native traders, natives Spaniards, and members of their own staff, which will amply substantiate the statement of facts which I will now proceed to lay before your Lordship.

19. His Highness the Sultan, whilst at Wadnoon, publicly denounced the Company, and declared that no one was to trade at Cape Juby except by the permission of his Government. Two influential traders, Sali and Belal, who had been at Wadnoon, reported these matters at the station, and professed themselves afraid to trade in consequence. As a fact, their custom fell off, several tribes which had formerly traded ceased to do so, and trade generally came completely to a standstill. To give you an instance of the mode in which those who traded with the Company were treated, two men who had supplied the Settlement with provisions, and who were in need of it, were captured by Dakhaman, the Sultan's agent, and were detained for three months for no other reason than that they had supplied the Company with provisions.

Governor of Tarfaya by His Highness the Sultan, and His Highness left 500 men with Dakhman for the purpose of carrying out the instructions which he had given with regard to the Cape Juby trade, and for the purpose of obtaining the submission of the inferior Sherahs in the neighbourhood.

20. On the 17th June, the natives about the Settlement were thrown into a state of consternation by the arrival of Abdullah with a party of ten soldiers. They told the Company's Manager that they had come to stop trade, and Abdullah produced his authority from the Sultan to that effect. From this time to the present, with the exception of a few brief intervals, soldiers of the Sultan of Morocco have been continuously stationed at Cape Juby.

21. My Lord, the Company have always been informed by Her Majesty's Government that no action could be undertaken in the settlement without the sanction of the Sultan, and that they should be held responsible for any loss of life or property to the Christians, also any loss of life or property to traders coming to the station of Tarfaya with the object of trading, has been and shall be on the direct command of His Highness the Sultan of Morocco.

"Praise be to God above, &c.

"Abdullah Wald Ali Bebeh, the Sultan of Morocco's Agent, said before the undersigned witnesses that whatever has occurred, and will take place in the future at the station at Tarfaya, Cape Juby, i.e., any loss of life or property to the Christians, also any loss of life or property to traders coming to the station of Tarfaya with the object of trading, has been and shall be on the direct command of His Highness the Sultan of Morocco.

"Furthermore, the said Sultan's Agent, Abdullah, has warned the Christians and all Mohammedans against trading. Should any one not heed this warning, he or they will be considered to have acted against the express orders of the Commander of the Faithful.

(Signed) "ABDULLAH WALD ALI BEBEH.

"Witnesses:

(Signed) "SULEYMAN BEN BU INYAH
"S. MORRIS.

"July 12, 1886."

22. Similar letters, or declarations in writing to the same effect, were received from Him by the Company on the 9th December, and on the 19th January, 1887. The soldiers themselves told the Company's manager that they were the Sultan's soldiers, they were dressed in red tunics; they were armed with knifed or Remington rifles, whereas the Sultan's soldiers only had black rifles. Their tents were of the kind used in the Moorish army, with crescents affixed to the tent-poles and with the number of the regiment marked in Arabic characters on the canvas. They used Moorish brass and silver coins, which are never seen among the natives at Cape Juby. They spoke in a Moorish dialect, and they spoke at Tarfaya. They were dressed in the European fashion, and, in accordance with the practice followed in the Sultan's army, they numbered along the ranks with English numerals, and they were put through their drill and manoeuvres by means of English words of command. These indications of the character of the men under the command of Abdullah may, in substance, be predicted of all the various detachments of men which from time to time were sent to Cape Juby, and in particular of that which was there on the 25th March last.

23. In consequence of the action of the soldiers, the Company again communicated with Her Majesty's Government, and on the 1st July 1886 they received from Her Majesty's Government the intelligence that it had been intimated to His Highness the Sultan "that he would be held responsible for losses caused by the misconduct of his troops." I am not aware, my Lord, that the Sultan, in answer to the letter containing that warning, ever described my connection between the soldiers under Abdullah at Cape Juby and the army of His Highness.

24. On the 8th July an outrage was committed upon Mr. Randleson, a commercial interpreter employed by the Company. The soldiers under Abdullah had left the station with their tent a short time previous to this date, and Abdullah had enlisted three Arabs and one Wadnoone, none of them being members of any particular tribe, to take place of his soldiers. Mr. Randleson and two Spaniards,

Tomás Gonzales and Marcial Augustine, were upon the beach on the day in question near these four men, Abdullah himself being about 20 yards distant. Suddenly an attack was made upon Mr. Randleson and his companions; Mr. Randleson was hurled to the ground and wounded in the hand with a dagger. He resisted as best he could, and called on Abdullah for assistance. Abdullah did interpose to save his life, which was threatened by his assailants, but Marcial Augustine having effected his escape, he was nevertheless taken prisoner together with Tomás Gonzales. They were then driven off in an easterly direction inland by Abdullah and the others, and Mr. Randleson, who at first attempted to resist, was beaten severely by his captors with the barrels and muzzles of their guns. After proceeding in this manner on foot for a distance of about 12 miles they arrived at an encampment, and, Abdullah having procured camels, they were taken upon them a further distance of about 8 miles. They then arrived at the tent of the soldiers who had lately left Cape Juby, and, immediately upon his arrival, Abdullah assumed the command. The Company were fortunate enough to secure the person of Abdullah's son, and, upon the intelligence of his seizure reaching his father, Mr. Randleson and Tomás Gonzales were both of them released.

25. An account of this event was sent by the Company to Her Majesty's Government, and in consequence a further warning was sent to His Highness the Sultan, intimating that he would be held responsible for losses caused by the misconduct of his troops, and upon the 15th July the Company were informed that His Highness the Sultan had again been warned that he would be held responsible for acts of violence committed by troops or bodies of men acting under His Highness's authority, and in the same month Her Majesty's ship "Albacore" was dispatched to Cape Juby and remained there for some days. The Company have no knowledge that after these warnings had been addressed to His Highness the Sultan the fact that Abdullah and the men stationed with him at Cape Juby were—as is suggested by the terms of the warnings—the Sultan's soldiers, was questioned or disputed by the Moorish Government. Unfortunately for the Company, the repeated warnings addressed by Her Majesty's Government to His Highness the Sultan produced no effect, and the misconduct of the soldiers still continued. The Company could, had they been permitted to do so, have easily held their own against any force which could have been brought against them. In September of the year 1886 they wished to obtain from Her Majesty's Government authority to treat Abdullah and his soldiers as marauders, but Her Majesty's Government were of opinion that to do so might involve this country in dangerous difficulties, and they were therefore obliged to remain passive, and to place their reliance on the assistance of Her Majesty's Government.

26. Your Lordship will remember that in the end of the year 1886 Mr. Alec Ferguson proceeded, as the agent of the Company, to Morocco, with the intention of laying certain proposals before His Highness the Sultan. The object of these proposals in substance was either to sell the Company's interest in the Cape Juby Settlement to the Sultan, or to retain the station and carry on trade under the joint protection of the Governments of Her Majesty and of His Highness the Sultan. Mr. Ferguson's mission was not successful; he was refused an audience of the Sultan, and the trouble and expense incident to it were completely wasted. This failure had a very bad influence at Cape Juby. As soon as it was reported there it convinced the natives, and Abdullah and his troops, that Her Majesty's Government were powerless to assist Her Majesty's subjects. From this period the persecution by the Sultan's soldiers became more unrestrained. The Company's supplies were cut off, traders were driven away and threatened, and some of those who had dealings with the Company were cruelly beaten. And, my Lord, all these acts were done by Abdullah and his soldiers, aided and abetted by Dakhman, the Sultan's Governor of Wadnoon, acting avowedly in pursuance of the Sultan's orders, and certainly according to the spirit of the declarations which were made by the Sultan himself when at Wadnoon in 1886.

27. The Company will be able fully to prove what I have here asserted to your Lordship. The soldiers had on more than one occasion wantonly burnt the tents of the Foycats, or fishermen, who lived on the beach, because they had done services for the Company, and in August 1887 they again burnt their tents, and Abdullah with his own hand filled a well belonging to the Company with camels' dung, and with the bones of two dead camels. The well had cost the Company much trouble to construct; it was 17 feet deep, bricked to the top, and water had been obtained by boring through a considerable stratum of solid rock. An entire day was occupied in cleaning out the foul matter with which it had been defiled.

28. I will now proceed to place before your Lordship the circumstances under which the murder of Mr. Morris took place. They have been communicated to the Company in a detailed form at present only by Mr. Randleson, the Company's Arabic interpreter, and by Dr Somers, and Mr Lee, who were all present when the murder was committed. The evidence of these gentlemen may also be extended in some particulars by that of other persons resident at Cape Jedy at the time.

29. Two or three days before the 25th March 1889, seven soldiers came to Cape Juby under the command of Abdallah from Dakhlan, the Sultan's Governor of Wadnoon, though they stated that they had been sent originally from the neighborhood of Fez. Five of these men had been at Cape Juby before, and were known to Mr. Randleson, and he would be able to identify five of them, as well as, of course, Abdallah. The names of most of the soldiers have been ascertained; they are Gilali or Jalali a Kaid Salrawia or Salrawin, E. Roman, Assmofit, Haslar, Mohamed and Akhimed and some of them have been seen by Mr. Alexander Ferguson in Morocco city. On the 25th March the soldiers had been exceedingly profuse in their peaceful protestations, and their feelings of suspicion and alarm, which their presence naturally created in Mr. Morris and all the friends of the other Englishmen, were consequently somewhat quieted. At 3 P.M., rather about six o'clock of this day, Dr. Somers left the house with himself accompanied by Messrs. Lee and Randleson, for the purpose of making a professional visit to a Moorish soldier who was ill, and the soldiers' camp being suffering from the effects of a small wound. They proceeded to the house on shore where they observed several of the Moorish soldiers whom they seemed to have aroused to some extent the appearance of Mr. Randleson. The latter asked them for matches, which the Englishman said the station was in the habit of carrying in their belts, and the place was crowded with natives who appeared to Mr. Randleson to be very angry. He ascertained whether the party were armed, and what arms they carried. Meanwhile a boat came off from the rock containing Mr. and Mrs. Morris and three Spaniards, and on this Mr. Randleson, who had been watching the soldier's movements closely, observed him make off to the encampment, and join his comrades. Mr. Morris, Dr. Somers, Mr. Lee, and Mr. Paulson, then went to the encampment; Abdallah was absent, but the seven soldiers were there, and one of them, by name Gilali, who held the rank of Kaul, was in command. The Englishmen were received with the most ceremonious salutations of peace, which were particularly directed towards Mr. Morris. Mr. Morris was then asked by the wounded soldier, Saharawi, who was lying outside the tent, for either tea or tobacco, but not understanding the Arabic language Mr. Morris made no reply. Mr. Randleson then entered the tent to speak to a soldier inside, who was cutting tobacco, and whilst within, his attention having been attracted by some rifles stacked round the tent-pole, he felt their nipples and found that upon two of them were percussion caps. This seemed to Mr. Randleson suspicious, and he accordingly knocked the caps off the nipples. At that moment Mr. Morris entered, but seeing Mr. Randleson immediately leave the tent he followed him out and joined Dr. Somers, who was engaged in attending upon his patient. There was then present besides the four Englishmen no one but the five soldiers and the Kaid Gilali, one soldier being still inside the tent. A soldier next asked Dr. Somers to allow him to examine his rifle. Dr. Somers had probably by this time had his suspicions aroused, but the Moors around him were apparently without their arms. The Englishmen had no idea that any murderous assault was intended, and no doubt wishing to give no possible occasion of offence, Dr. Somers complied with his request, but not before he had taken the precaution to extract the cartridge. At the instant he handed his rifle to the soldier the Moors all raised a deafening yell, "Klabt," "cannaken," which means "strike," "all of them," and producing long clubs, which they had held concealed amongst the folds of their garments, they fell upon the Englishmen. Mr. Randleson was standing close to Mr. Morris and near the Kaid Gualah, he was hit violently upon the arm by the back swing of Gilali's club; he then saw Gilali strike Mr. Morris a fearful blow upon the head and dash him to the ground. Mr. Randleson saw Dr. Somers struck upon the head by a soldier named Mohamed, he also heard the blow and he saw him fall. Mr. Lee, who had been standing outside the group of soldiers at the time of the attack, managed to make his escape, and he was therefore fortunately uninjured. Mr. Randleson, in attempting to run forward, was struck by a blow on the head from behind which, however, did not disable him, he ran a few yards further and received another blow on the nape of the neck from a club which had been thrown at him, and he was again struck by an iron belt which hit him between the shoulders. Though half stunned by the blows he had received he

30. The soldiers abandoned their tools and baggage and unfortunately succeeded in escaping, and these men have never been seen since by the Company's servants at Cape Juby. One night, however, they were reported to have been seen in the neighborhood by the natives. Shots were on this occasion fired at the factory, and next morning the soldiers' tents had disappeared.

32. My Lord, the Company have had communicated to them a declaration on oath, made by Murdish Oall Mal or I F Arguayat before Mr. James Miller, the British Vice-Consul at the Island of Grand Canary, on the 26th June last. He states that on the day following the said declaration he had an interview with Embarak, the nephew of Dakhman the Sultan's Governor of Wadnoon. At that time probably the news of the murder had reached neither Embarak nor Murdish. Embarak asked Murdish whether a new detachment of soldiers had arrived at Cape July. He answered that it had, and gave the names of the four of which I was composed. On hearing them, Embarak at once ordered Murgusa to mount his camel and run to the Company's Settlement to warn the English that Embarak had heard in Wadnoon that these men were those specially selected to murder the staff. Murdish himself subsequently met some of the soldiers who had perpetrated the murder. They then avowed to him, in the presence of Abdullah, that they had committed the crime and only declared that they had been ordered to do it by Dakhman.

34. My Lord, under the circumstances which I have endeavoured to place before your Lordship, the Company are advised that the Sultan is responsible to the Government of the United Kingdom, to Dr Somers, to Mr. Randleson, to the Company, and to the British Government for the consequences which have followed from his conduct. All the acts of the soldiers since 1887, viz. Isder's, your Lordship's, and the Company's, connected with the Sultan. Most of these acts, those directly intended to obstruct the progress of the Company's trade, were done in pursuance of His orders, and the other excesses of which the soldiers were guilty, such as the imprisonment of Mr. Barlow, the denial of the Company's way, and the outrage of the 25th March, were the natural results of a policy the essence of which was to instil a general feeling of hatred against the Company and all the members of the staff. Such consequences were the more to be expected from such a policy when ignorant instruments like Abdulhadi and others were used by His Highness to carry it into effect.

done before the Sultan's visit to Wadnoon in 1886, but after the visit of Abd-el-Kader, Abdeen, and the Governor of Terodant in 1880 to Cape Juby, taken together with such evidence of the Sultan's complicity in respect of them as exists in conjunction with the acts of the soldiers, would induce the persuasion that the Sultan was also responsible for these acts in any impartial tribunal whatsoever.

36. The Company claim against the Sultan:—

(1.) That justice shall be done against Gilali, Mohammed, and the other soldiers who were principals in the murder of Mr. Morris and in the murderous assault upon Dr Somers and Mr Randleson.

(2.) That the widow of Mr. Morris, and that Dr. Somers and Mr. Randleson, shall receive ample compensation for the injuries they have sustained.

(3.) That Mr. Randleson shall be compensated for the attack made upon him with the complicity of Abdullah in June 1886, and for being then and immediately afterwards wounded, beaten, and imprisoned by Abdullah and his soldiers, or by those acting in that capacity, and that the man guilty of this outrage be punished.

(4.) That the men who burnt the fishermen's huts and defiled the Company's well on 26th July, 1887, be punished.

(5.) That the men who burnt the Company's wooden house on the 19th June, 1880, be punished.

(6.) That Abdeen and the men who stopped the building of the Company's stone factory or store be punished.

(7.) That His Highness the Sultan should pay to the Company proper compensation for any damage, either direct or consequential, sustained by them as the result of the above acts.

(8.) That His Sheressian Highness should pay to the Company proper compensation for losses, either direct or consequential, which they have suffered through the Sultan's determination to stop trading with the Company, and for the acts of his agents done in the execution of His Highness' commands and directions.

(9.) That His Sheressian Highness should make good any further losses which the Company may sustain in consequence of any acts, past or future, of the Sultan or his agents.

(10.) That His Sheressian Highness should either take over the Company's Settlement at Cape Juby, paying the Company proper compensation for their interest therein and for the sums which they have expended in improving the Settlement, or give some effectual guarantee or pledge that the Company shall be allowed to continue unmolested at their Settlement at Cape Juby, and that the Company and their successors, and their agents or servants, shall be at liberty to trade with whomsoever they will, whether subjects of His Sheressian Highness or not, without interference by the Sultan or his agents.

37. I have now placed before your Lordship a statement of the main facts upon which the Company and their servants found their claim. I have indicated to your Lordship what is, in substance, the nature of that claim; it remains shortly to submit to your Lordship's consideration what, as the Company are advised, is their legal position.

38. My Lord, every member of the North-West African Company is a British subject domiciled in England, and all owe allegiance to Her Majesty the Queen. The late Mr. Morris was a British subject, and his widow, who survives him; and Dr. Somers and Mr. Randleson are also the Queen's subjects. It is the first duty of a British subject who has received an injury in a foreign country to seek redress in that country's Courts. My Lord, His Highness the Sultan will not submit to the judgment of any such judicial authority as exists in the land where these wrongs were done. There is no political authority through whose action redress on behalf of the Company can be demanded. To Morocco it is useless to turn, for it is against the Sovereign of that country that the Company seek justice, and it is, moreover, contrary to the first principles of law that a Sovereign should be sued by a private individual. It is the duty of the Company to endeavour to obtain justice, but there is no method by which the Company and their servants can obtain the reparation to which they were justly entitled but one, and that is, by appealing to Her Majesty's Government to force His Sheressian Highness to give the redress which he cannot be prevailed upon to grant by any private entreaty.

39. My Lord, I submit on behalf of the Company, with the utmost respect to your Lordship, but at the same time with the fullest confidence, that it is the undoubted and inalienable right of the members of the Company and of their servants, as British subjects, to make this appeal to Her Majesty's Government. I also, on behalf of the Company, with equal respect to your Lordship, but with equal confidence, make the

further submission that Her Majesty's Government being satisfied that these British subjects have suffered wrong, that a foreign Power is responsible, and that justice cannot otherwise be obtained, is in duty bound to answer that appeal and to compel such foreign Power to make reparation. The Company are advised, my Lord, that these propositions can be supported by a reference to the universal practice obtaining for centuries among civilized nations—to the practice of England herself by the opinions of text writers upon international law of the greatest authority founded upon that practice—and, lastly, by the common law of the land.

40. My Lord, in this case the Company are aware of no reason why this appeal should not meet with a response from Her Majesty's Government. The Company have been guilty of no offence either to Her Majesty's Government or to the Government of His Sheressian Highness the Sultan. Towards Her Majesty's Government the Company have always been actuated by a sincere desire to conform their conduct not to the commands, for no commands have ever been given, but to the wishes expressed from time to time by the Representatives of the Queen. With respect to His Highness the Sultan, the Company have been guilty of no misconduct which could afford justification for his acts. They have carefully refrained from doing any act which could be construed as an act of hostility against His Highness or his authority, and they have never acquired or arrogated to themselves at Cape Juby any sovereign powers in derogation of the rights of any sovereignty claimed by the Sultan or of those of any other Sovereign whatsoever. The only possible ground upon which the Sultan could seek to justify himself is that the Company have no title to their Settlement at Cape Juby, and are invaders of the soil. The conditions under which the Company hold their property must necessarily come under one or other of the following heads:—

(a.) The Settlement is situated, as was suggested by Sir Julian Pauncefote writing to Sir Joseph Lay on the 16th November, 1886, in a country "long possessed by a recognized State."

Adopting this view the Company's legal position cannot be doubted. They have acquired the land by an arrangement satisfactory to the natives who conveyed it, and they take with them the laws and sovereignty of the country whence they come. Having been injured by the Sultan, His Highness is responsible to them, and also to the British Government, whose sovereignty is thus attacked in deserting British subjects who represent it.

(b.) Cape Juby always has been within Moorish territory. Then the Company acquired the Settlement with the knowledge of, and without opposition or protest from His Highness the Sultan, from those who apparently had the right to convey it. By Treaty signed between Great Britain and Morocco on the 9th December, 1856, the English have a free right to settle, build, and trade within His Highness's dominions, and generally "His Majesty the Sultan engages that the subjects of Her Britannic Majesty residing in his States or dominions shall enjoy their property and personal security in as full and ample a manner as subjects of the Emperor of Morocco are entitled to do within the territories of Her Britannic Majesty."

Under this view of the case, too, not only have the Company been injured, but the Treaty with England has been broken, and the Sultan has been guilty, therefore, of an international offence, as well as of an injury to private persons.

(c.) Cape Juby is part of the territory held by independent tribes.

On this view of the case it is difficult to suggest any ground of justification.

(d.) Cape Juby was, at the time that the Company settled there, *de jure* within the dominions of the Sultan; that he has since extended the limits of his dominions, which is now *de facto* included within them.

Adopting this view, it has been recently suggested that Mr. Mackenzie acquired no right to the land in question because His Highness the Sultan had a *de jure* right over the country on the coast on which Cape Juby is situated. In meeting this suggestion the first and most obvious answer to be made is that the Shukh Barook's tribe, the tribe of Abd-el-Jamel, was and had been long *de facto* independent. The tribe did not admit in any way whatsoever, directly or by implication, the Sultan's alleged *de jure* sovereignty, and your Lordship, when member that the Shukh Barook, in the letter already referred to addressed by him to your Lordship expressly asserted his independence against the Sultan. If His Highness the Sultan claims a *de jure* right of sovereignty of the tribe to-day, he certainly did not do so in the year 1876 or 1879, at the date of the Charter of Concession, and in the former year Cdi Mohammed Bargesli, the Sultan's Minister, declared in conversation with the British Representative at Morocco, Sir John Drummond Hay, that he had never heard of Cape Juby, and that the districts south of Wadnoon being entirely beyond the power and control of the

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Sultan, His Sherrefian Highness could do nothing to assist Mr. Mackenzie. It is true that this declaration was not expressed in writing by the Sultan's Minister, and that the conversation occurred more than ten years ago, but it was committed to writing by Sir John Drummond Hay, the Minister to whom the conversation was addressed, at about the time at which it was held, and the record is preserved in the letter written by him to Lord Derby on the 27th August, 1875.

On the 8th October, 1879, your Lordship, in writing to the Sherkh Bairouk, expressed the opinion that Cape Juby was beyond the limits of Moorish territory. On the 6th November, 1886, Sir Julian Pauncefote, writing on behalf of the late Lord Idlesleigh to Sir Joseph Lee, a Director of the Company, stated that Cape Juby had not at that date been appropriated by a recognized State.

On the 27th July, 1887, by your Lordship's direction, a fresh intimation was conveyed to the Company to the effect that Her Majesty's Government had not hitherto recognized that His Highness the Sultan of Morocco "had any control south of the Wad-draa." I therefore submit to your Lordship that the Company cannot now be prejudiced by any claim put forward now by the Sultan to a *de jure* sovereignty over Cape Juby, inasmuch as they have throughout acted strictly in accordance with the views held by Her Majesty's Government with regard to this question. Further, I submit that the conduct of Mr. Mackenzie and the Company was justified by the facts, for at the date of the Charter of Concession the tribes of Ait-el-Jamel were *de facto* independent, and there was, and had been for a long period, no attempt on the part of His Highness to reduce them to subjection.

Assuming then that of which I submit to your Lordship there can be no doubt, viz., that in 1879 the tribes were *de facto* independent, and admitting for the moment the Sultan's *de jure* sovereignty, the tribes either had or had not originally, as against the Sultan, a good title to convey the soil.

(a.) If they had such a title—

Then, on the Sultan's subjugating them, he is bound to respect the rights of the Company, inasmuch as they are neutral foreigners, and he is more especially called upon to do so because he is bound by the Treaty of 1856 to the Sovereign to whom they owe allegiance.

(b.) If they had not originally such a title—

Then, adopting this view, and assuming that the Sultan had in 1879 a *de jure* right to the soil of Cape Juby and its neighbourhood—a somewhat violent assumption—I submit to your Lordship that the *ius postliminii* would here apply. The tribes now all go to be subjugated convey a certain right to third persons, subjects of a State friendly to Morocco, at a time when they were, and had long been, *de facto* independent, and must have therefore, by prescription, have acquired, if not an indefeasible title, some title, at least, to the soil. No struggle was going on, there was no probability of such a struggle arising; but, on the contrary, there was every reason to suppose that His Highness would make no attempt to assert his alleged *de jure* sovereignty to deprive the tribes of their *de facto* independence. Under such circumstances as these, I venture to submit that the tribes could pass a good title to the Company, the Company having no notice of the Sultan's claim, and that the Company's title cannot now be questioned by His Highness.

But, my Lord, in this case His Sherrefian Highness is entitled to no protection from any subtle points of international law which might be raised in his favour could the advisors of His Highness discover the smallest flaw in the Company's title. The wrongs which the Company and their servants have suffered are such that no justification can excuse them or supply an answer to the Company's claim for redress. They have continued now for more than eight years, in defiance of the repeated warnings of the Government of Her Majesty, and in total disregard of solemn Treaty engagements, and the most unquestioned obligations of international law.

41. I have now, my Lord, laid the case of the Company and of their servants fully before your Lordship, and the Directors wait your Lordship's reply in the confident hope that, at your Lordship's instance, Her Majesty's Government will intimate to His Sherrefian Highness the Sultan of Morocco that in respect of the wrongs he has committed justice shall be done.

I am, &c.

(Signed) JOSEPH C. LEE, Chairman,
North-West African Company (Limited).

Inclosure 2 in No. 5.

Declaration of Messrs. Alex. Ferguson, George Tanoos Karram, and Mudrish Ould Mohamed-el-Arguayal, before the Vice-Consul at Grand Canary.

ON this 26th day of June, 1888, appeared before me James Miller, British Vice-Consul at Grand Canary, Messrs. Alex. Ferguson, George Tanoos Karram, and Mudrish Ould Mohamed-el-Arguayal, and after having read to Mr. Tanoos the declaration made by Messrs. Somers, Lee, and Randleson on the 16th day of May, about the murder of Mr. Morris at Cape Juby, he declares under solemn oath as follows: That the statement above referred to is correct so far as he witnessed it from the shore house, a distance of 500 yards. He also declares that from regular intercourse with the soldiers he knows them to be of the Sultan's army, from their own confession, and also because the man to whom they were accredited was the Sultan's Agent at Tarfayeh, having shown him (Tanoos) documents to this effect. Further, during a visit to Shiekh Ma El Annin he was informed by that person that he had letters from the Sultan, and had been informed personally that his soldiers were stationed at Juby to prevent trading.

Mudrish Ould Mohamed-el-Arguayal not knowing English, Mr. Tanoos spoke to him in Moorish, and states that Mudrish declared as follows: "I have personally met the soldiers after the murder they told him it had been committed by them by orders from Dakhman, and this is known by all the tribes, and he heard this in presence of Abdullah Ould Ali Behe, and in the tent of this Sheikh. One is known as Saharawia, another as Jalali (the murderer of Morris) de Shanio, another Ethman Asswift, another Hishmi, another Akarad, all slave men. He (Mudrish) knows them to be Sultan's soldiers because he has seen their uniform, their form of rifle, and also because the day after the murder he met Shiekh Embarak, nephew of Dakhman, Beyruk of Wadnoon, Sultan's Representative in South Sus, who asked if the new lot of soldiers had arrived. Answering yes, Embarak asked for their names, which when he heard he ordered him (Mudrish) to mount his camel, and ride off at once to the Castle to warn the English, as he had learned in Wadnoon that these men were those specially selected to murder the staff."

Further, that for some months back it has been rumored among the tribes that the idea in putting the soldiers here was to capture the English, stop the trading trade, or failing this, to capture some of the English, and the Castle and ceded territory being handed over to the Sultan.

Mr. Alexander Ferguson declares: That he knows these men to be soldiers of the Sultan because he has met them in Morocco city while there, and they know so much of the interior soldier life of Maclean. More, Mr. Ferguson has put them through the entire Moorish drill, using Maclean's words of command, a sort of broken English, and they in turn by the Kaid went themselves through the entire manual, bayonet and firing exercises, formed fours, marched off and on by either flank, understood forming of column, skirmishing, and other tactics.

He has seen and examined their rifles, some of them Winchester, and recognises in others the Little mark, which he has seen at the hands of the Sultan's soldiers in his own Palace; he has seen the Sultan's uniforms in their possession; they live in the same military tents he has seen when the Sultan started on his expedition last year through Azemur. The Kaid knew intimately many friends of his in the service of the Sultan, and had met him in company with Maclean's Aide-de-camp in the slave-market in Marakesh (Morocco city). Mr. Ferguson has seen the letter from Dakhman, as a superior officer, directing the soldiers to go to Juby and, in the Sultan's name, prevent all trade. When Mr. Ferguson asked them to produce the Sultan's banner as a proof of their right to be at Juby, they answered the banner was too few to carry the standard, which required at least 100 men to follow it. Further, the natives being friendly, no half-dozen men without the sanction of the Sultan, and coming in his name, could have prevented trade.

Mr. Edmund B. Carleton, native of Morocco, English subject, appears, and, after having translated Mudrish's declaration, he declares it to be a true and faithful translation.

(Signed) GEO. TANOOS KARRAM.
Place of Mudrish's signature X.
ALEX. FERGUSON.
E. B. CARLETON.

Thus declared, signed, and sworn to before me this 26th June, 1888.

(Signed) J. MILLER, Vice-Consul.
(Seal)

I certify the foregoing to be a true and correct copy of the original declaration entered in the Acts of this Vice-Consulate and copied therefrom, folios 330 to 334.

(Signed) J. MILLER, Vice-Consul.
British Vice-Consulate, Grand Canary,
June 28, 1888.

Inclosure 3 in No. 5.

Consular Protest of Messrs. Alex. Ferguson, J. Edgeworth Somers, E. C. Lee, and J. P. S. Randleson.

ON the 16th day of May, 1888, appeared before me James Miller, British Vice-Consul at Grand Canary, Messrs. Alex. Ferguson, J. E. Somers, E. C. Lee, and J. P. S. Randleson, and did protest against the losses, and declare under solemn oath as follows:—

On the 25th day of March, 1888, Dr. Somers went ashore at Cape Juby to visit the soldiers of the Sultan of Morocco stationed there, who were at that time under treatment for various diseases; he was accompanied by Mr. Morris, Manager of the station, Mr. Lee, Mr. Randleson, Mr. Tanoos Karum, and Mrs. Morris. The two last named remained in the shore house, while the doctor, accompanied by the others, went to visit his patients. The medical examination completed, these gentlemen were talking about various matters, when the Sultan's soldiers expressed a desire to be photographed, one having on a previous visit had his photo taken. Mr. Morris had no apparatus with him, but promised to oblige them some day when the weather was more favourable. While talking quietly with the soldiers, and receiving from them their salutations, or rather greetings of "Salaam," meaning "Peace be with you," and "La-bas," meaning "No harm come to you," these being the usual expressions of good-will, suddenly, and without any warning, the "Kaid Jalali" gave the signal to strike, when, having ranged themselves previously alongside the Englishmen, they drew their clubs (pieces of wood with heavy heads studded with the horse-shoe nails of Morocco), which were hidden under their "jelabs" or cloaks, and attempted to fall upon the Englishmen. Mr. Morris, who was seated at the time, received a blow on his skull from the "Kaid" who gave the signal. This threw him to the ground, and it was immediately followed by others which smashed in his skull, and scattered his brains on the sand. These blows were seen by the doctor, Mr. Lee, and Mr. Randleson, who each made to clear themselves from the too close proximity of their assailants. In starting back Mr. Lee, who was on the outside, got clear before the blow intended for him reached his person. Mr. Randleson dodged his head, receiving the blows on his neck and spine. The doctor, who, owing to being the strongest, had the biggest man pitted against him, received two stunning blows on the head. As they could render no assistance to Mr. Morris, they each endeavoured to reach the house. In the excitement Mr. Lee ran inland, Mr. Randleson ran away from the house, the doctor ran straight for it. Messrs. Randleson and Lee, having revolvers, turned to fire on their pursuers, but Randleson getting between Lee and his men, Lee dared not to fire. Mr. Randleson fired two shots, neither of which took effect. Dr. Somers, in freeing himself, was seized by two of the Moors, those he throw down in his headlong course for the house, himself falling twice before he reached it. The Moors who had possessed themselves of Messrs. Morris and Somers' rifles, the one of Dr. Somers' being unloaded, fired upon the fugitives with these and their own "Enfield pattern gun" as they made for the house. One of the bullets passed between Randleson and Lee; the former being wounded, the latter was assisting him. Another bullet passed through the turban of Dr. Somers.

Having reached the house, they signalled to and received from the Castle fresh arms and assistance, and were about to fire upon the retreating Moors, but these being out of range they proceeded to the tent and recovered the corpse of Mr. Morris, which, after examination by Dr. Somers, was buried next day at sea, with the consent of Mrs. Morris, it being impossible to inter it on shore.

Desultory firing has continued at night time from the shore at the fort.

Mr. Ferguson, as Secretary of the North-West African Company, owners of the fort, shore-house, and land at Cape Juby, protests against such treatment of English traders, the position of the territory being beyond the limits of Morocco, and desires

the intervention of Her Britannic Majesty's Government to secure compensation for the damage to life and property resulting from this outrage.

(Signed) ALEX. FERGUSON.

Dr. Somers, Messrs. Lee and Randleson declare the foregoing under oath to be a true and accurate account

(Signed) J. EDGEWORTH SOMERS, L.R.C.S.I.
EDGAR CYRIL LEE.
JOSEPH PEILE SESSFORD RANDLESON.

Thus declared, sworn, and signed in my presence this 10th day of May, 1888.
(Signed) J. MILLER, Vice-Consul.
(Seal.)

I certify the foregoing to be a true and correct copy of the original note of protest entered in the Acts of this Vice-Consulate and copied therefrom (fol. 325-329).

(Signed) J. MILLER, Vice-Consul.
British Vice-Consulate, Grand Canary,
May 16, 1888.

Inclosure 4 in No. 5.

Statutory Declaration of Mrs. Margaret Jane Morris.

I, MARGARET JANE MORRIS, of Green Bank, Bowness, Windermere, in the County of Westmorland, widow, do solemnly and sincerely declare as follows:—

1. My late husband Samuel Morris, was the Manager of the North-West African Company's station at Cape Juby, on the North-West Coast of Africa, where he was killed on Sunday, the 25th March last.

2. I was married to my late husband in the month of June 1885, and went out to reside with him at Cape Juby in the month of August following, and lived with him there from that time down to the day of his death. My late husband had, as I have been informed by him, been in the service of the North-West African Company at Cape Juby about one year.

3. My late husband was brutally murdered on the said Sunday, the 25th March last, by Moorish troops, and the circumstances attending such murder are as follows:—

4. From the autumn of 1887 down to the date when my late husband was killed, the station at Cape Juby was from time to time visited by bands of Moorish troops in regular uniform. It was well known their presence there was to intimidate the native tribes and thereby render trading operations difficult. My husband, however, always treated them kindly, invited them to the Castle, and showed them other little attentions with the view of keeping up friendly relations with them. My husband was fond of photography, and at their request took a number of photographs of Arabs as well as of Moorish soldiers. It is not the fact, as has been asserted, that the Arabs or soldiers are afraid of being photographed—the soldiers are rather fond of it, but most of these races, not understanding the process, attribute the result to spiritual influences.

5. About a week before my husband's death, and as he and I were about to leave Cape Juby for good at the end of April, we gave a treat to the poorer Arabs in the district. Abdullah Wald An Balé was present. Shortly afterwards a party of seven soldiers came from Wadnoon and pitched their tent about 50 yards from the shore house. In the afternoon of Saturday, the 24th March last, after the "Sahara," the Company's schooner, had sailed for the islands, I and my husband went on shore for a walk and we passed the soldiers, who conversed with my husband and begged him to take their photographs. One of their number, the leader of their party, had previously been across to visit my husband at the Castle. My husband replied that he would take their photographs another day.

6. On the following day, Sunday, the 25th March last, I and my husband, together with Dr. Somers, Mr. Randleson, and Mr. Lee, went on shore in the afternoon. I went direct to the shore house to see an Arab woman who had been lying ill there for some time, and my husband and his three friends turned off to go to the soldiers' tent. I had not been many minutes in the shore house when I heard a great noise in

the direction of the tent, and on looking through a loop-hole in the wall, saw the soldiers in the act of firing upon some of our party who were retreating to the shore house. Immediately afterwards Dr. Somers, Mr. Randleson, and Mr. Lee, with two boys who had been near, rushed into the shore house, Dr. Somers and Mr. Randleson being badly wounded, and I then heard to my horror and utter dismay that the party had been suddenly attacked by the soldiers, whilst seated in their tent, with clubs, which had been concealed beneath their tunics, and that my husband had been killed. I had been ill for some months, and the shock this event gave me laid me completely prostrate. Under the doctor's advice I did not again see my husband, and his body was buried at sea on the following day.

7. To the best of my knowledge and belief none of the Arabs of the North-western Sahara are armed with clubs, but they are very commonly used in Morocco.

8. I suffered very severely from the shock to my system caused by the loss of my husband under the circumstances above set forth, and have been ill more or less ever since. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1835."

Declared at Windermere, in the County of Westmoreland, this 17th day of July, 1888.

(Signed) MARGARET JANE MORRIS.

Before me,
(Signed) J. T. BOWNASS,
A Commissioner to administer Oaths in the
Supreme Court of Judicature.

Inclosure 5 in No. 5.

Affidavit of Mr. J. P. S. Randleson.

I, JOSEPH PEILE SESSFORD RANDLESON, of 181, Bridge Road, Battersea, in the County of Surrey, and late of Cape Juby, on the West Coast of Africa, commercial interpreter, make oath and say as follows:—

1. I am a natural-born British subject, and domiciled in England.

2. In the month of February 1879 I went out to Cape Juby with Mr. Donald Mackenzie and four others, and with the exception of two short intervals, when I came to England, I remained at Cape Juby down to the month of May in the present year. During my residence at Cape Juby I acquired a fair knowledge of the Arabic language, and was able to converse freely with the natives.

3. Mr. Mackenzie chartered a steamer, called the "Corsair," at Bristol, in which we went to Cape Juby, with the object of founding a trading station there. On arriving there we anchored off the coast. The place had no buildings upon it, and was entirely uncultivated. The only inhabitants living on the land which Mr. Mackenzie subsequently purchased were some Arabs called Foycats, who were fishermen living in tents at the sea-coast. They raised no objection to our coming, and traded with us. There was no sign that the place had been previously occupied as a port. When the news of our arrival spread, the neighbouring tribes of Arabs came in to trade with us, and we stayed there for about three months, until the cargo was exhausted. All our trading was done from the ship. No money passed, as the Arabs do not use it. Our trade was carried on by barter.

4. At the end of the three months we returned to England for a fresh cargo, and after a stay of about a week went back to the coast with a hulk in tow, called the "Amazonia." On this occasion we crossed the bar in the hulk, and entered the port afterwards called Port Victoria. We moored the "Amazonia" in deep water close to the shore. We then transferred the "Corsair's" cargo to the "Amazonia," and carried on our trade from her. We also lived in her.

5. From this time our trade became very brisk. The Arabs came down to the hulk voluntarily and bartered with us. They evinced a most friendly feeling towards us, and evidently looked on our coming as a distinct gain to them.

6. On the 26th July, 1879, I was present on the signing of the Charter by Sheikh Mohammed Bairook and Mr. Donald Mackenzie. The signing took place on the beach, in the presence of the Heads of several of the surrounding tribes, and was received on all hands with general assent. The Chiefs of the Azurgeois, of the Majat, of the Tidraeen, and of the Foycats, besides other minor Chiefs, were present. I heard no

mention of the Sultan of Morocco at this time, and it was apparently understood on all hands that Mohammed Bairook had power to cede the Tarfa territory to us. I afterwards saw an account of what took place in a Bristol newspaper.

7. In January 1880 we commenced building operations on the coast, and built a wooden house within 150 yards of the beach. Our trade kept on increasing, and at this time was in a very satisfactory state. Our relations with the surrounding tribes continued friendly and free from all disturbance.

8. In the month of February 1880 some of the tribesmen brought us word that Abideen Bairook, the brother of Dakhman Bairook, Sheikh of Wadnoon, and also brother of Mohammed Bairook, who had ceded the Tarfa territory to Mr. Donald Mackenzie, was coming to Juby with the Governor of Tarradant. They arrived on the 24th February, 1880, with other persons, who seemed to be persons of distinction, and a number of slaves and followers from Wadnoon. Abideen and his followers acted as escort to the Governor. I obtained several Moorish silver coins from Abideen's followers.

9. They marched to the tent of Mohammed Bairook, where they remained during their visit. I accompanied Mr. Sedway on a complimentary visit, when they received us in a very friendly way, but did not touch on the subject of our occupation.

10. We were informed by the Arabs, and it was the common gossip of the place, that Abideen and the Governor of Tarradant had come to persuade Bairook to send us away. This Bairook refused to do, and eventually they went away, after staying about a week, as he declined to entertain them any longer. Bairook told me himself that they wanted him to stop our trade and that he had refused to do so.

11. After this visit, Bairook was less enthusiastic in our behalf than he had been previously. The feeling of the Arab tribesmen who came to trade with us was in a marked degree less friendly than it had been prior to the visit. They insulted us by calling us Kaffirs and sons of dogs.

12. In March 1880 we commenced to build a stone factory adjoining the wooden house. The Foycats and Bairook's slaves assisted us in the work.

13. In the early part of June 1880 Abideen again visited Cape Juby with seven other Chiefs and forty horsemen. They encamped close to the tent of Bairook, and immediately proceeded to the quarry from which we were getting the stone to build the factory and stopped the works there, driving the workmen away with sticks. They also stopped the building of the factory, and drove away the men in like manner, and part of the walls of the factory were thrown down by them. They evinced such a hostile attitude that no traders came near us and our business was at a complete standstill. I spoke to some of the men and ascertained from them that they belonged to the tribes of Ait-el-Husseini, Majat, and Azurgeois. After they had been at Cape Juby a few days, two of Abideen's followers burnt the wooden house which we had built at the beginning of the year. I was on the hulk at the time and saw them set fire to it. They ran away before we could catch them.

14. Abideen and his followers remained encamped in the neighbourhood for about three months, during which time we did no business, as they stopped all the traders from coming near us. After they went away trade began to come in again.

15. In consequence of the treatment which we had received at the hands of Abideen and his followers, we commenced to build a strong house on a reef of rocks about 600 yards from the shore. The building was commenced in October of the same year.

16. From the date of Abideen's departure down to August 1882 nothing happened of any note so far as I can recollect. In August 1882 a deputation came to Cape Juby, consisting of Manley-Ebu-abd-el-Malek, the Sultan's deputy and cousin, El-Fekheh-Sidi-Mohammed, El-Gobbas, and Sidi Dakhman, Chief of Wadnoon, and also a Kaid or Governor with four soldiers. The soldiers wore red tunics with yellow facings, blue trousers, yellow slippers, and red fez. They had all kinds of buttons on the uniforms, some of which I should say were English and others not. They encamped close to Bairook. They had canvas tents with a crescent on the top of the pole which could be seen outside the canvas. They carried Enfield rifles. I spoke to them and they told me that they were the Sultan's soldiers. It was the report at the station that the object of their mission was to induce Bairook to stop the trading with us. They stayed about a week.

17. All the soldiers who were stationed at Cape Juby whilst I was there understood the English words of command, such as "attention," "shoulder arms," "stand at ease," "stand easy," "present arms." They could also number off up to twenty.

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ALL WITHOUT PERMISSION OF THE
PUBLIC RECORD OFFICE, LONDON

I ascertained this from conversations I had with them. They told me that they were drilled by these words of command.

18. In September of the same year we completed the building of the strong house on the reef, and in November the factory was also completed. When the strong house was finished we abandoned the hulk and took up our residence there.

19. In October 1888 the Sheikh Mohammed Bairook died, and was succeeded by his son Embarak. Embarak was one of the younger sons of the old Sheikh, and had several elder brothers. It was rumoured that his brothers wanted Embarak to break the Treaty and drive us away, and our trade undoubtedly fell off after his succession, as fewer tribesmen came to the cape to deal with us. Embarak was completely under his brothers' control. They used to rob the traders who came to the factory, and when we complained to Embarak he acknowledged his powerlessness. The old Sheikh Mohammed Bairook had lived in his tent close to the factory ever since the signing of the Treaty, but his successor did not live in the neighbourhood, although he occasionally visited us.

20. About March 1884 Abideen brought a letter to the factory, written by himself, in which he offered the Company certain terms, and threatened that, unless they conformed to them, he would use force to compel us to go away. As the terms were ridiculous, a firm reply was sent to him refusing his conditions, with the result that nothing more was seen of him at the station.

21. About March 1886 we heard rumours that the Sultan of Morocco was coming to Wadnoon, and had summoned the Chiefs to meet him there.

22. The news of the coming of the Sultan caused great fear amongst the tribesmen as to the result of the visit, and they held aloof from us and did no trade. On or about the 10th June, 1886 news was brought us by Mohammed Sali, a trader of the tribe of Azzurgens that the Sultan had arrived at Wadnoon. He was very frightened and said that he expected to get into trouble for having traded with us. Mohammed Bilal, of the tribe of Azzurgens, and Hafid Wald-el-Basheer, of the tribe of Tidraeens, two of our principal customers, also stopped trading with us at this time.

23. On the 17th June, 1886, Abdullah returned with some soldiers. I believe there were eight. They had Enfield rifles, a weapon which is absolutely unknown in the desert, where only flint-lock rifles are used. They brought tents with them similar to those brought by the soldiers who accompanied Dakhman in August 1883. Their uniforms and accoutrements were also similar, and they understood the English words of command. There were Arabic marks on the tents, which, I was told by the soldiers, denoted the corps to which they belonged. As they were nearly obliterated I could not decipher them myself. They had Moorish silver and brass coins which are hardly ever seen at Cape Juby, and which the Arabs do not use. The soldiers told me that they had been sent by the Sultan to stop trade. Abdullah told us that he had come from the Sultan, and that his commission was to stop trade. He gave us his grandson as a hostage for his good behaviour. Abdullah told me that the Sultan had sent for him to Wadnoon, and when he arrived there had commissioned him to stop our trade.

24. One day at the end of June 1886 I came over from the strong house in a boat with two Spaniards, named Marcial Augustine and Tomás Gonzales. There were four men on the beach when I landed, three Arabs and one Wadnoonee, and Abdullah was standing about 20 yards off. As I got out of the boat one of the Arabs jumped on my back and hurled me to the ground. He had his dagger in his hand, and as I put out my right hand to protect myself he stabbed me in the palm. One of the men was going to shoot me, and I called out to Abdullah, and he stopped him. They made me get up and made me run inland. I resisted at first, and they beat me with the barrels of their guns. They took me east-by-south for about 12 miles on foot, and then we came to an encampment of the Tidraeens, from whom Abdullah obtained a camel. They put me on the camel and we went another 8 miles in the same direction. We then arrived at an encampment of the Azzurgens tribe, where we also found the soldiers who came to Cape Juby with Abdullah. They had left Cape Juby two days before, giving out that they were going to Wadnoon.

25. The men who captured me were freed slaves whom Abdullah enlisted at Cape Juby after the soldiers left. Abdullah took command as soon as we arrived at the encampment. His men had also captured one of the Spaniards, Tomás Gonzales, who came from the strong house with me in the boat. The Azzurgens women incited the men to kill us, and Abdullah threatened the Spaniard, but said nothing to me.

26. After we had been at the encampment a few hours, word was brought to Abdullah that our people at Cape Juby had captured his son and held him as a hostage for my safety. Abdullah kept me prisoner until next morning, and then took me back

to the station, where he released me and the Spaniard in exchange for his son and grandson. After this our trade fell away with the following tribes who had previously traded with us, namely, the Yakoots, the Tobalet, the Amiar, the Tidraeens, the El Arvoseyne, and the Argiebat, and it was reduced practically to nothing. The Foycats were threatened with violence if they brought us food. I have seen a Foycat beaten by the soldiers for bringing us sheep.

27. On or about the 14th October, 1886, news was brought us that Abdullah had proclaimed himself Governor of the district.

28. I believe Mr. Ferguson went to Morocco, on a mission to the Sultan, in December 1886. On the news reaching Juby that his mission had been a failure, the soldiers annoyed us by cutting off our supplies and preventing the Foycats from working for us. The soldiers had returned with Abdullah after I was captured. They drove the people from the beach when we approached and would not let them come near us. They also burned the Foycats' tents several times because they assisted us.

29. As an instance, on the 4th April, 1887, some men from the Tidraeens were taking rice away from the factory which they had received in exchange for wool, when the soldiers seized their camels and took the rice away from them.

30. On or about the 18th July, 1887, word was brought us that Dakhman was coming from Wadnoon to punish all who had any dealings with us whatever.

31. We had dug a well on the coast near the factory several years before. On or about the 4th August, 1887, this well was filled up with the skeletons of two camels, camels' dung, and the bitter bark of the turfa tree. Some of the soldiers told me that Abdullah filled up the well. The well was about 17 feet deep, and had cost us something like 100*l.* to make. It was bricked all round the sides from top to bottom. We had to bore through about 5 feet of rock at the bottom. I superintended the cleaning out of the well myself. It took a whole day, and cost about 10*l.* in wages. The stagnation in trade still continued, and had in fact done so since Abdullah's coming with the soldiers in June 1886.

32. On the 22nd March, 1888, a relief of seven soldiers arrived from Wadnoon, who proclaimed that they had been sent by Dakhman to stop the trading with us; they had Enfield rifles, and brought a similar tent to those used by the other soldiers. The accoutrements were also similar. I have never seen an Arab with an Enfield rifle. I knew five of the soldiers, as they had been at Cape Juby before. I also knew the names of four of them; they were Gilali, Saharaiol, Mohammed, and Akhmed.

33. On the 25th March, 1888, which was a Sunday, I went on shore from the strong house, about a quarter past 3, with Dr. Somers and Mr. Lee. The doctor was going to attend a Moorish soldier. When we had landed we went up to the factory. One of the soldiers, Mohammed, was standing just outside the factory when we approached. He asked us for matches, with, I believe, the object of ascertaining whether we were armed, as we usually carried our matches close to our revolvers, over the right side. My suspicions were aroused, and when we got inside I went on to the roof of the factory to watch the man. On reaching the roof I saw the boat coming from the strong house with Mr. and Mrs. Morris and two Spaniards, and in order to see that all was right I came down again into the factory yard and went outside the gate. When I got there the soldier was walking in the direction of the soldiers' tents, which lay some distance behind the factory, and disappeared into one of them. There were only two tents. I then went back into the factory yard. When Mr. and Mrs. Morris arrived at the factory Dr. Somers suggested that he should go and attend his patient, and Mr. Morris, Mr. Lee, and I agreed to accompany him. On arriving at the tents, which lay about 800 yards northward from the factory, we were received with profuse salutations of peace by the soldiers, their salutations being chiefly directed towards Mr. Morris. There were six soldiers and one officer or Kaid, whose name was Gilali. Abdullah was not there. The wounded soldier, a man named Saharaiol, who was lying outside one of the tents, asked Mr. Morris for some tobacco, but, as Mr. Morris did not understand Arabic, he made no answer. The tents faced each other at a distance of about 10 yards. There was a soldier inside the tent nearest the beach (that is to the west) cutting tobacco. I went inside this tent, and Mr. Morris followed me. I had a look at the guns which were stacked round the tent-pole and felt all their nipples. There were two with caps on which I knocked off. I then went out followed by Mr. Morris, and Mr. Morris sat down on his haunches outside the tent which we had just quitted, with his carbine across his knees. I stood in front of him, about midway between the two tents, and Dr. Somers sat down just

outside the opposite tent (that is the one to the east) beside his patient. The soldiers stood round us in a half circle extending from one tent to the other, and cutting off the retreat to the factory. Mr. Lee stood on the outside of the circle of soldiers. Six of the soldiers were outside the tents, and the other one remained inside. A soldier asked Dr. Somers to let him see his rifle, and the doctor, after drawing the charge, handed it to him. At the same instant I heard a deafening yell of the words "Kalmbet Cameleen," which means "Strike them all." The soldiers instantly struck at us with clubs which they had concealed up to this point in their robes. I saw Gilali strike Mr. Morris. He fell with his face to the north. I was just opposite to Mr. Morris, with my back towards Gilali, and as he rushed in he hit me on my left arm with the back swing of his club and rendered it almost useless. I also saw Dr. Somers struck by one of the men called Mohammed. I ran forward to get free and received a blow on the head. After I had gone about 10 yards a club was thrown at me and hit me in the nape of the neck, followed up by an iron bolt which hit me between the shoulders. I made for the beach, and hearing the soldiers following me, I turned round and fired two or three shots at them, which made them run back. Mr. Lee then joined me, and we ran together down to the beach. We found Dr. Somers was ahead of us, bleeding freely from a blow on the head. The soldiers fired at us and one shot went through Dr. Somers' turban. The firing continued until we got inside the factory. As soon as we got inside, we went on to the roof and saw two of the soldiers leading a man, who appeared to us to be Mr. Morris, in the opposite direction. We did not therefore fire. The soldiers disappeared in the distance, and, after waiting some time without seeing any sign of them, we went back to the strong house to obtain further arms. We returned accompanied by Mr. Tanoos, the interpreter, and three Spaniards, named Marcial Murrera, Manuel Rodriguez, and Rafael Hernandez, and went up to the tents which the soldiers had deserted. There we found Mr. Morris lying outside the tent which he and I had entered, with his head pounded into a pulp, and a large stone, which had penetrated the skull, in his brain. The soldiers had stripped him with the exception of his trousers, boots, and undershirt, and had evidently dressed one of their men in some of his clothes in order to make us believe that he was their prisoner. They had taken his carbine, his revolver, and all his valuables, including a ring which he wore. We took his body off to the strong house and buried him at sea.

34. As regards the injuries which we others sustained, Dr. Somers had a large wound on the right side of his head, which bled profusely. He was incapacitated entirely for seven or eight days, and has not yet recovered from the effects of the blow. The first blow which I received was on the head, over the right ear. It did not break the skin, but was extremely painful. Another was on the nape of the neck. I have felt the effect of these blows ever since. I received another blow between the shoulders which had no effect beyond rendering me a little stiff. I have lost about 25 lbs. in weight since the occurrence, and am nothing like so strong as before. I also suffer from dizziness in the head and complete deafness of the right ear. We sent to Las Palmas for a doctor, and Dr. Fernandez came over and attended to us.

35. Two nights after the outrage, that is on the 27th March last, the soldiers returned for their tents. They fired several shots at the strong house before they went away.

36. After this, up to the time that I went to Las Palmas, about a month after, we all lived entirely at the strong house, and took it in turns to mount guard both day and night. None of the tribesmen came near us, and no trade was done.

37. I went to Las Palmas in April for my health, and from there returned to England.

Sworn at 35, Southampton Buildings, Chancery Lane, in the County of Middlesex, the 28th day of June, 1888.

(Signed) JOSEPH RANDLESON.

Before me,
(Signed) S. J. DEBENHAM,
A Commissioner to administer Oaths in the
Supreme Court of Judicature.

Re-sworn at my offices, Nos. 59 and 60, Chancery Lane, in the County of Middlesex, this 29th day of June, 1888.

Before me,
(Signed) T. BLANCO WHITE,
A Commissioner to administer Oaths in the Supreme
Court of Judicature in England.

Inclosure 6 in No. 5.

Translation of Letter received from Mohammed Iybaiddallah (Majat).

PRAISE be to God alone.

Peace, &c.

With regard to the treachery of the Sultan's troops which resulted in the death of one of you, know that we had no inkling of it; had we heard of their intent, we should certainly have warned you in time. Rest assured that we have the same peaceful and friendly feelings towards you as before, and we trust that you have no enmity towards us. We will be obliged if you will let us know that we need not fear you. Peace.

Inclosure 7 in No. 5.

Translation of Letter received from Mohammed Bellal.

PEACE, &c.

Know that what has taken place between you and the Sultan's soldiers has caused us great anxiety on your account. It distressed me much when I heard the bad news. I still have the same friendly relations towards you. Please let me know your intentions in the matter, and if I can be of any use to you. Peace.

(Signed) MOHD. BELLAL.

Inclosure 8 in No. 5.

Translation of Letter received from Billal Wald Abdelnaby.

PEACE, &c.

Know that what has taken place through the treachery of the Sultan's soldiers is very distressing to us. Be assured that I and my friends, young and old, have been entirely ignorant of the soldiers' intention to do you harm. We deeply regret what has taken place, and sincerely trust that, whatever happens you, you will always look upon us as friends. Peace.

No. 6.

The Marquis of Salisbury to Sir W. K. Green.

(No. 88.)

Sir,

Foreign Office, August 4, 1888.

I HAVE received your despatch No. 8, Africa, of the 20th ultimo, and I have to state to you that I approve of the note which you addressed on the 15th June to the Moorish Minister for Foreign Affairs on the subject of the outrage committed against the Englishmen belonging to the factory at Cape Juby, copy of which was inclosed in your above-mentioned despatch.

I am, &c.
(Signed) SALISBURY.

No. 7.

The Marquis of Salisbury to Sir W. K. Green.

(No. 91.)

Sir,

Foreign Office, August 18, 1888.

WITH reference to my despatch No. 93 of the 4th August, and to previous correspondence, I transmit to you, for your information the accompanying papers which have been furnished to me by the North-West African Company in connection with their claim against the Sultan of Morocco on account of the outrage committed against the Englishmen belonging to their factory at Cape Juby.

Pending the result of your last note to the Moorish Government, copy of which

^a In North-West African Company, August 14, 1888 (not printed).

accompanied your despatch No. 8, Africa, of the 20th July, no further action can be taken in the matter.

I am, &c.
(Signed) SALISBURY.

No. 8.

The North-West African Company (Limited) to the Marquis of Salisbury.—(Received September 5.)

My Lord,
132, Cheapside, September 3, 1888.
I BEG to inclose herewith extracts from the diary of our station at Cape Juby, for your Lordship's information.

I am, &c.
(Signed) JOSEPH C. LEE, Chairman.

Inclosure in No. 8.

Extracts from Diary of Station at Cape Juby.

July 13, 1888.—Report received that the soldiers are in great fear of our revenging Mr. Morris' death, and are not likely to come near the station for some time.

July 19.—A Poycat arrived from Wadnoon this afternoon. He reports soldiers' fear of approaching station. Dakhman greatly annoyed to hear of Mr. Morris' death. Soldiers (murderers) to be executed. Territory claimed by Company to be conceded to them; this is said to be confirmed by Sultan.

August 5.—Babor Ahmed, whose tent is about 2 miles inland, was visited. Moors there too attentive to be pleasant. Babor Ahmed said (with other Chiefs who were there) that we should not be able to get any settled trade unless we had an assurance written, signed, and sealed by the Sultan, because the tribesmen will be afraid of the Sultan's troops being sent down to wage war with them. But, if we have an assurance from the Sultan to show them to the effect that the Sultan will not molest them for trading with the Christians, then they will be only too glad to bring their wool to us.

No. 9.

Sir W. K. Green to the Marquis of Salisbury.—(Received September 8.)

(No. 9. Africa.)

My Lord,
Tangier, August 30, 1888.
WITH reference to your Lordship's despatch No. 91 of the 18th instant, I have the honour to point out that the note, of which Inclosure No. 2 in my despatch to your Lordship No. 8, Africa, of the 20th ultimo, was a translation, was the reply of the Moorish Government to my first representation to it on the subject of the outrage committed against the Englishmen belonging to the factory at Cape Juby.

I have the honour of furnishing to your Lordship herewith a translation of a note received by me yesterday from the Marquise Minister for Foreign Affairs, replying to the demand which I had put forward (vide Inclosure No. 3 in my despatch No. 7, Africa, of the 17th ultimo) for the immediate arrest of the Moorish officer who is believed to have been most instrumental in the perpetration of the outrage at Cape Juby.

The tone of Cid Emfadh Gharnit's note marks in a most satisfactory manner the sense of responsibility which the Sultan feels to be weighing on his Government in this matter; therefore I venture to suggest that I should not delay much longer in making known to Cid Emfadh Gharnit the exact claims arising out of the outrage, and the manner in which your Lordship considers they should be met.

I still am of opinion that I should not be permitted to reopen a discussion as to the Sultan of Morocco's ancient rights over the district of Cape Juby and other portions of the Western Sahara.

I have, &c.
(Signed) W. KIRBY GREEN.

Inclosure in No. 9.

Cid Emfadh Gharnit to Sir W. K. Green.

(Translation.)
(After compliments.)

I HAVE received your letter in which you state that you had heard that El Fekkak-el-Shawi was the originator of the attack on British merchants, and the murder of Mr. Morris, and that he was about to arrive at the Sultan's Court or had already arrived, and you demanded that he be arrested for the reasons set forth by you. I have communicated your letter to our lord the Sultan—may God give him victory—who has taken cognizance of all you therein state, and His Majesty has commanded me to answer you that the Kaid Abderrahman-ben-Beiruk of Tekna had reported that that merchant had gone out by night in the neighbourhood of the guards, and had met some Arabs, who had killed him, as was stated in his letter which was forwarded to you, and that he—may his strength be perpetuated—had ordered an inquiry into the matter, in order that it might be settled agreeably with justice and the friendship existing between the two nations, so that should the inquiry show that he had approached the guard by night, as reported by the above-named Kaid, then the responsibility would be on his own shoulders (the Englishman's) for having risked his own life by going out at night, in consequence of which the Arabs slew him, and no responsibility would attach to the guard, for it was only placed there to guard that district; but if the inquiry should show that an attack had been made on the factory, accompanied by murder, wounding, and robbery as you related, then the judgment is that which you indicated, viz., the arrest of the guilty parties and restoration of the things stolen, and the order to this effect was sent to Ben Beiruk, as was answered you before as to the Shereddin Order—may God exalt—and when your letter was received, our lord—may God make him victorious—renewed his order to him to be energetic in the matter, and hasten with it, and commanded me also to answer you as to the arrest of El Fekkak that he has not yet arrived at the Court, and that his arrest has been ordered, and that a greater thing than this would not change the friendship of the two countries nor impair it, as long as friendly intermediary such as yourself exists; and indeed His Majesty—may his strength be continued—believes well of you and of your friendly Government; and, therefore, he has commanded me to confirm to you that his trust in you is shown by his taking up the matter in a manner befitting between faithful friends and not flinching in it, in order that it may be brought to the satisfactory issue which is required by the friendship and love existing between the two countries. In the days of your predecessor's term of office more important events than this took place, and he undertook their settlement in an amicable manner, and it is hoped that you will do the same, and more. May you continue in good health.

Finished, 22nd Dil Kadde, 1305 (August 1st, 1888).

(Signed) MOHAMED-EL-MUFADDAL BEN
MOHAMED GHARNIT.
(May God be for him.)